# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# SPECIAL WORKSHOP
# APRIL 24, 2013

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

**Also: Present:** Town Manager Dave Bullock, Town Attorney David Persson, Town Clerk Trish Granger

**Electronic Participation:** Commr. Jack Duncan

## CALL TO ORDER

**Mayor Brown called the Special Workshop Meeting to order at 1:02 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, FL.**

**Mayor Brown noted that Commr. Duncan would be participating via Skype technology. Mayor Brown requested and there was consensus to allow public input following Item 7, noting that the Revitalization Task Force had elected to not make a presentation.**

Mayor Brown commented on the purpose and intent of the meeting, provided an overview of the agenda order, and identified representatives who would be speaking.

1. Town Current Understanding of Property Ownership

Summary of the property ownership as understood from property appraiser research.

Town Manager Dave Bullock provided an overview of the agenda order and advised that formal action would be taken at the May 6, 2013, Regular Meeting.

Assistant Town Manager Anne Ross displayed an aerial view of the Colony property and gave a PowerPoint presentation on the Colony's property noting the following:

- size of the parcel and existing zoning
- ownership of the parcels and outparcels
- property appraiser's assessed value.

**Commr. Duncan requested a copy of all slides that were not included in the agenda material.**

2. Resolution 2012-07

Review of Resolution 2012-07 requirements/status update.

Town Manager Dave Bullock noted previous Commission action through the passage of Resolution 2012-07 granting an extension for the non-conforming use.

Assistant Town Manager Anne Ross gave a PowerPoint presentation updating the status of action and timeframe outlined in Resolution 2012-07, noting the Town's authority to take additional action granted in Section 5 of the Resolution.

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3. Property Maintenance Issue Status Update
Update on the maintenance issues cited in letter to recorded Colony representatives dated March 19, 2013. Staff conducted a site inspection on Friday, April 12, 2013. Status of rectified deficiencies, remaining deficiencies, and newly noted deficiencies will be presented.

Town Manager Dave Bullock noted the inspections that have occurred and the pattern observed when discussions are scheduled before the Town Commission.

Assistant Town Manager Anne Ross gave a PowerPoint presentation on the identified Code violations and deficiencies and the noncompliance procedures that are required for the various Sections of the Town Code dealing with Code violations.

Town Manager Bullock advised that the bond posted cannot be utilized for the noncompliance issues identified on the outparcels.

Assistant Town Manager Ross continued the presentation addressing the noncompliance process for the sign issues and provided an overview of the noncompliance status as of April 15, 2013 and April 24, 2013, and total police calls responded to through April 21, 2013.

5. Building and Zoning Codes
Review of Codes (FEMA/NFIP, Town and State building Codes, ADA, etc.) affecting any work proposed for the 1620 Gulf of Mexico Drive property. Discussion of tourism unit designation and 30 day rule.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation relating to the Building and Zoning Codes pertinent to the Colony property. Ms. Ross displayed an aerial photo of the property showing the depicting the Erosion Control Line (ECL) and Coastal Construction Control Line (CCCL) and noted the flood zones and elevations on the property. Ms. Ross advised that the elevations were mixed throughout the property.

Town Manager Bullock advised that the Town may only enforce Code requirements and cannot be involved in private property agreements and reviewed the definition of "Tourism Use" suggesting that Staff develop a definition that clarifies the tourism use.

**There was consensus for Staff to draft language to define "Tourism Use" for consideration by the Commission.**

Town Manager Bullock reviewed occupancy restrictions currently in place, advised that the agenda packet included the Code violations identified, and noted the

6. Court Proceedings and Status Update
Town Attorney David Persson noted that Assistant Town Attorney Kelly Fernandez prepared a memorandum dated April 18, 2013, outlining the Colony's litigation status.

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6. Court Proceedings and Status Update - Continued
Attorney Fernandez provided an overview of the litigation status and responded to inquiry regarding the relationship between the Colony Beach and Tennis Club, Limited (Ltd.), and the Colony Beach and Tennis Club Association, Incorporated (Inc.).

Assistant Town Manager Anne Ross noted the various entities registered with the State of Florida and discussions were held on Unit "A" versus Outparcel "A".

Attorney Jeffrey Warren, legal counsel for the Colony Association, commented on the difference between the Colony Beach and Tennis Club, Inc. versus the Colony Beach and Tennis Club, Ltd., reviewed the proceedings in the bankruptcy court relating to the partnership agreements, discussed the ownership of the outparcels (Colony Beach, Inc., Colony Beach and Tennis Club, Inc., Colony Lender, LLC, and Breakpointe, LLC) noting the Colony Beach and Tennis Club Association, Inc. did not have a vested right in the outparcels. Attorney Warren reviewed the parcel ownership and individual unit owner responsibility. Discussions were held with Attorney Warren and Town Attorney Persson on the following topics/issues:

- identification of the units as a tourism unit versus a condominium unit
- distinction of a condominium as a tourism unit
- residential versus tourism unit
- use of property versus ownership of the property and the Statutory requirements relating to condominium ownership
- form of ownership created as a condominium association/Statutory voting requirements for properties designated as a condominium
- control of property of outparcels versus unit ownership.

Attorney Fernandez commented on the foreclosure action by the Colony lender and the status as it relates to the bankruptcy case.

7. Invited Presentations

Colony Beach & Tennis Club Association, Inc.
Attorney Donald Hemke, representing the Colony Beach and Tennis Club Association, Inc., commented on the work accomplished to date relating to the clean up on the 15-acre parcel and expanded efforts on abutting property not under the Association's control, efforts to expedite owner access to the units, and introduced Attorney Jeffrey Warren to provide an overview of the Settlement status.

Attorney Jeffrey Warren noted the date of the Settlement proposal, advised that the quarterly reports have been filed in accordance with the governing Resolution, commented on the new bankruptcy proceedings of the Colony Beach, Inc., Colony Beach and Tennis Club, Inc., and Resorts Management, Inc., and opined of opportunities to resolve some of the outstanding issues. Attorney Warren noted that April 30, 2013, was the established deadline for the three entities (new bankruptcy cases) to file their plans with the Court.

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7. Invited Presentations - Continued

Colony Beach & Tennis Club Association, Inc. - Continued
Mr. Stu Ross, Colony Beach and Tennis Club Association, Inc., Board of Directors, commented on the recent "straw" vote of the ownership (non-binding) and an upcoming Board member election. Upon inquiry, Mr. Ross commented on the lack of a viable proposal for the unit-owners to consider, costs incurred by the unit owners, and the existing condition of the property.

Mayor Brown advised of the extensive staff time and associated costs relating to the Colony issue, noting that the taxpayers were also paying for the lack of progress on the resolutions of the Colony property issues.

Mr. Ross commented on the condition of the property and his disappointment with the existing situation.

Upon inquiry by Commr. Duncan, Attorney Warren opined that a 75% majority vote for material changes/alterations that may be required on the property.

Dr. Murf Klauber
Attorney Charles Bartlett, representing Dr. Murf Klauber, commented on the efforts being expended to reach a resolution to the legal issues.

Aquarius Condominium
Mr. Greg Van Howe, representing the Aquarius Condominium, gave a PowerPoint presentation on the existing conditions (as of April 21, 2013) on the Colony property and outlined the concerns of the residents of the Aquarius Condominium relating to the condition of structures, safety issues pertaining to vandalism and vagrancy on the property, and requested consideration for the Town to utilize the cash bond to improve the conditions on the Colony property.

Mayor Brown noted the Town's intent to move forward on the issues that can be addressed under the current legal proceedings.

TenCon Condominium
Mr. Joe Jacobs, representing TenCon Condominium, provided an overview of his relationship with the Colony property, the lack of action taken to date from the various Colony property owners/entities, and ecommendations to resolve the issues.

Bay Isles Association, Inc.
Mr. Bill Levine, Bay Isles Association, Inc., commented on the condition of the Colony property.

TenCon Condominium
Ms. Arlene Skversky, owner in TenCon, noted safety concerns relating to the condition of the Colony and requested consideration to provide additional police patrols due to the existing property conditions.
7. Invited Presentations - Continued

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Mayor Brown apologized for any perception that the Commission was not concerned with the condition of the property and noted the efforts to remedy the existing issues. Individual Commissioner comments followed, with discussions held on the following topics/issues:

- the presentations made this date
- requirement for a majority vote of 75% by the Colony property owners for required improvements/modifications to the site
- the progression to the current state of the Colony property
- lack of confidence in the parties to resolve the issues
- proposed future "straw polls" and the lack of action taken to date
- options for the Colony property owners to provide the needed security for the premises
- unit owners misinformation that the property will become a year-round residential unit
- Town's authority to allow the exemption of nonconforming status to expire
- **direction for staff to explore options for condemnation of the property** (no objections were stated)
- concern for the abutting property owners relating to safety and health issues raised.

**Mayor Brown requested that the Town Manager report back on the security issues raised.**

4. Resolution 2013-15

Town Manager Dave Bullock noted the issues discussed this date would serve as the required Workshop for placement of issues on the May 6, 2013, Regular Meeting Agenda and reviewed the issues to be reported on:

**Commr. Duncan requested that the Town Manager provide the information to be discussed in writing for Commission review.**

Commr. Larson suggested that an additional Special Workshop be scheduled in June to review the status of the property.

**There was consensus to forward Resolution 2013-15 to the May 6, 2013, Regular Meeting for formal action.**

**RECESS:** 2:56 p.m. - 3:07 p.m.

8. Other Business

A. Town Attorney

Town Manager Dave Bullock requested direction on providing information to the two law firms who were interviewed to serve as the Town Attorney.

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8. Other Business - Continued

A. Town Attorney - Continued
Commr. Younger suggested that the Commission consider consensus on the selection of a law firm. Individual comments followed on the process to be utilized for the selection of the Town's law firm.

Commr. Zunz noted concern on the selection between the two highest ranked candidates and noted a preference to seek additional candidates.

**There was consensus to schedule the discussion and selection of the Town Attorney on May 6, 2013.**

B. Town Commission
Town Manager Dave Bullock commended Staff on the preparation and presentation of the Colony status information.

C. Public Works
Town Manager Dave Bullock commented on the lack of response to the Beach Nourishment bid and noted those contacted indicated that the borrow areas were impacting the bidders response due to the limitation on the quantity of the sand available and needed.

Following comments, Town Manager Bullock requested consideration to allow additional time to secure a bid utilizing the Port Dolphin borrow areas, and dependent on results of the efforts, to reissue the bid modifying the specifications.

Discussion ensued on the intent to combine projects and options to partner with Manatee County's project.

**There was consensus to authorize the Town Manager to proceed as outlined.**

Commr. Younger noted previous discussions relating to applying for Federal funding and requested consideration to initiate the process for federal funding.

**Following comments from Town Manager Bullock, there was consensus to authorize the Town Manager to proceed with the application process for Federal funding.**

C. Planning, Zoning, and Building
Commr. Duncan noted attendance at the Planning and Zoning (P&Z) Board meeting and noted that the P&Z Board requested that he present the issue of restricting boat trailers/other trailer types for discussion on the May 6, 2013, Town Commission Regular Meeting agenda.

**Following individual comments, there was consensus to include the issue on the May 6, 2013, Regular Meeting for discussion.**

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**ADJOURNMENT**

**Mayor Brown adjourned the April 24, 2013, Special Workshop Meeting at 3:35 p.m.**

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Trish Granger, Town Clerk James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# SPECIAL WORKSHIOP
# MAY 6, 2013 – 9:00 A.M.

**Present:** Vice Mayor David Brenner, Commrs. Lynn Larson, Jack Duncan, Terry Gans, Phill Younger, Pat Zunz

**Absent:** Mayor Jim Brown

**Also Present:** Deputy Town Clerk Jo Ann Mixon

## CALL TO ORDER

Vice Mayor Brenner called the Special Workshop to order at 9:00 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, FL.

1. Meet and Greet with Citizens Interested in Serving on Town Boards and Committees

Each year the Town Commission considers appointments to the Town's Boards and Committees. This Special Workshop Meeting is being held to provide the opportunity for Town Commissioners to meet the applicants prior to making formal appointments at the May 6, 2013, Regular Meeting.

Following opening remarks by Vice Mayor Brenner, the following applicants provided background information on their credentials and identified an interest in an appointment to a Town Board:

Mr. George Symanski (Planning and Zoning {P&Z} Board)
Mr. Andrew Sawyer, Jr. (P&Z Board)
Mr. James McGuire (Code Enforcement Board {CEB})
Mr. Charles Fuller, Jr. (Zoning Board of Adjustment {ZBA})
Mr. Kenneth Schneier (P&Z Board)
Ms. Jean White (P&Z Board/ZBA/CEB).

Discussions were held on the following topics/issues:

- applicants home residence (voting district)
- pending Town issues
- background of the applicants
- the future of Longboat Key.

Vice Mayor Brenner and the Commissioners thanked the participants, noted the excellent qualifications of all the applicants, and commended them for their willingness to volunteer and serve the Town.

## Adjournment

Vice Mayor Brenner adjourned the May 6, 2013, Special Workshop at 9:30 a.m.

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Jo Ann Mixon, Deputy Town Clerk David Brenner, Vice Mayor

Minutes Approved: _____

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**MINUTES**
**LONGBOAT KEY TOWN COMMISSION**
**REGULAR MEETING**
**MAY 6, 2013 - 7:00 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

**Also: Present:** Town Manager Dave Bullock, Town Attorney David Persson
Town Clerk Trish Granger

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
**Mayor Brown called the meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Vice Mayor Brenner led the Pledge of Allegiance.**

**PUBLIC TO BE HEARD** - No items were presented.
1. Opportunity for Public to Address Town Commission
At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

**APPROVAL OF MINUTES**
2. April 1, 2013 Regular Meeting; April 15, 2013 Special Workshop Meeting; April 15, 2013 Regular Workshop Meeting; and April 15, 2013 Special Meeting Minutes
**There was consensus to approve the Minutes as submitted.**

**COMMITTEE REPORTS AND COMMUNICATIONS**

A. State Agencies
Commr. Zunz noted attendance at the Florida Department of Transportation (FDOT) meeting held relating to improvements to the Cortez Bridge and reviewed items discussed.

B. Organizations
Vice Mayor Brenner provided information on the Bradenton Area Economic Development Corporation and noted attendance at the following meetings: joint meeting between Sarasota and Manatee County Commissions, the Sarasota County Economic Development Corporation, and the Coalition of Business Association meeting.

**ORDINANCES – SECOND READING AND PUBLIC HEARING**
3. Ordinance 2013-04, Providing for Adoption of the 10-year Potable Water Supply Work Plan
The Planning and Zoning (P&Z) Board recommended approval of proposed Ordinance 2013-04, which provides for adoption of a 10-year water supply plan and amends the Infrastructure Element of the Comprehensive Plan. This item was forwarded from the April 1, 2013 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2013-04.

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3. Ordinance 2013-04, 10-year Potable Water Supply Work Plan - Continued
Town Clerk Trish Granger placed Ordinance 2013-04 on record for second reading and public hearing.

**Commr. Larson moved to adopt Ordinance 2013-04. The motion was seconded by Commr. Gans.**

**Mayor Brown opened the public hearing. As no one wished to speak, the public hearing was closed.**

**The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Gans, aye; Younger, aye; Zunz, aye; Brenner, aye; Duncan, aye; Brown, aye.**

**RESOLUTION AND PUBLIC HEARING**

4. Quasi-judicial – Resolution 2013-12, Approving a Site Plan Amendment Application for Mar Vista Restaurant, 760 Broadway Street
Request of Ed Chiles, Mar Vista Restaurant, as property owner, seeking a site plan amendment approval for Mar Vista Restaurant, 760 Broadway Street. At their April 16, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Resolution 2013-12, site plan amendment application for Mar Vista Restaurant. Resolution 2013-12 was forwarded for public hearing and Commission consideration at the May 6, 2013 Regular Meeting. Recommended Action: The Town Commission will base its decision on competent substantial evidence presented at this hearing.

Following comments by Mayor Brown on the procedure and time allowance for quasi-judicial hearings, Town Clerk Trish Granger administered the oath to individuals presenting testimony.

Town Attorney David Persson inquired, and no disclosures were noted. Town Attorney Persson inquired and there were no ex-parte communications noted.

Town Clerk Granger placed Resolution 2013-12 on record for public hearing.

**Mayor Brown opened the public hearing.**

Planning, Zoning, and Building Department Planner Steve Schield, duly sworn, gave a PowerPoint presentation on the proposed amendment to the existing Site Plan for Mar Vista Restaurant located at 760 Broadway Street.

Ms. Lynn Burnett, P.E., representing the applicant (Mar Vista Pub, Inc.) and duly sworn, provided an overview of the Site Plan Amendment requested, commented on the parking spaces and boat dock, and supported approval. (The required certified mail cards were submitted for the record.) Upon inquiry, Ms. Burnett discussed the lack of landscaping in the back parking lot (between parking lot and building).

Mayor Brown inquired, and Mr. Schield advised that additional landscaping could be required by the Town Commission as a condition of approval.

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4. Quasi-judicial–Resolution 2013-12, Site Plan Amendment Mar Vista Restaurant - Continued

**Mayor Brown moved to amend Resolution 2013-12 to require landscaping between the parking lot and building entrance.**

Discussion ensued on the preferred recommendation for additional landscaping requirements between the parking lot and the west side of the building.

**The motion was seconded by Commr. Younger. Subsequent to comments by Town Attorney Persson, the motion to amend Resolution 2013-12 to require additional landscaping, carried by a 7-0 roll call vote, as follows: Brown, aye; Younger, aye; Duncan, aye; Brenner, aye; Larson, aye; Zunz, aye; Gans, aye.**

Ms. Corinne Ragheb, Bayside Drive, duly sworn, requested "interested person" status during the public hearing. Town Attorney David Persson inquired as the intent as "interested person" status and following .

Town Attorney Persson recommended that the Town Commission grant the status

**There was consensus to grant the "interested person" status to Ms. Ragheb.**

Ms. Ragheb commented on the proposed Site Plan Amendment.

Mr. Pete Rowan, Broadway, duly sworn, commented on the proposed Site Plan Amendment.

Mr. Samir Ragheb, Bayside Drive, commented on the proposed Site Plan Amendment and displayed and submitted photographs of the traffic conditions existing in the area during tourist season.

Upon inquiry, Town Attorney Persson commented on the official designation of the property as a "Historical Property" noting that the Town's Codes/Zoning regulations do not provide for Historic Designation. Discussions were held with Mr. Schield on the following topics/issues:

- Condition 20 relating to monitoring of off-street parking needs/possible reduction in outdoor dining seats if found in violation
- alternative methods for compliance if parking is determined to be an issue
- clarification of the Commercial Revitalization Waivers - consideration of boat slips, pedestrian traffic, and/or bicycle parking to offset required parking (One 5-slot bicycle stand substituting for one parking spot).

Ms. Ragheb inquired and Mr. Schield advised that there were no parking spots dedicated to Jewfish Key residents. Mr. Ragheb inquired and Ms. Burnett responded to inquiry regarding increased capacity if the Amendment is approved, noting that capacity is based on square footage.

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4. Quasi-judicial–Resolution 2013-12, Site Plan Amendment Mar Vista Restaurant - Continued

Ms. Ragheb inquired on the utilization of the facility for Special Events and noise ordinance compliance and Mr. Schield provided information on Code requirements and Conditions included in the Resolution.

Ms. Burnett noted that the private meeting room could be utilized for a variety of uses.

Upon inquiry, Mr. Ragheb noted his concerns relating to approval were specific to traffic issues. Discussions were held on the following topics/issues:

- estimated maximum occupancy of 150 for the private meeting room and 180 seats for dining
- impact of historic designations on improvements to existing facilities.

Mr. Ed Chiles, owner of Mar Vista Restaurant, duly sworn, noted that he had applied for and received historic designation.

Ms. Ragheb commented on the formula for occupancy calculations. Discussion ensued on the calculations.

Mr. Ragheb commented on the approval and requested consideration for parking issues raised.

**Mayor Brown closed the public hearing.**

Discussions were held on the impact of the renovations to a historical building and options to require parking attendants for special events.

Mr. Chiles advised that he would agree to an additional stipulation relating to parking attendants for special events, customer base arriving by water, bicycles, and pedestrian traffic.

Commr. Gans inquired and Mr. Schield noted that parking codes are determined on average usage, not special events, reviewed the time frame to respond to complaints on parking issues, and noted the authority provided to the Building Official relating to enforcement of the Conditions of Approval. Discussion ensued on the determination of patrons at Mar Vista versus Moore's Stone Crab Restaurant.

**Commr. Gans moved to approve Resolution 2013-12, as amended. The motion, seconded by Commr. Larson, carried by a 5-2 roll call vote, as follows: Gans, aye; Larson, aye; Duncan, no; Zunz, no; Younger, aye; Brenner, aye; Brown, aye.**

**RESOLUTIONS**

5. Resolution 2013-13, Providing for Emergency Authorization for Town Manager

Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Resolution 2013-13 provides methods to obtain a quorum or gives the Town Manager authority to expend funds and take emergency action in the event a quorum of the Commission is not available. This item was forwarded from the April 15, 2013, Regular Workshop Meeting Consent Agenda for formal action. Recommended Action: Pending discussion, pass Resolution 2013-13.

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5. Resolution 2013-13, Emergency Authorization for Town Manager - Continued
Town Clerk Trish Granger placed Resolution 2013-13 on record by title only.

**Commr. Duncan moved to approve Resolution 2013-13. The motion, seconded by Commr. Gans carried by a 7-0 roll call vote, as follows: Duncan, aye; Gans, aye; Brown, aye; Brenner, aye; Larson, aye; Zunz, aye; Younger, aye.**

6. Resolution 2013-15, Directing the Town Manager to Provide Notice and Proceed with Removal, Clearing, Eliminating and Disposing of Junk Located at 1620 Gulf of Mexico Drive
On April 24, 2013 the Town Commission held a Special Workshop Meeting to discuss issues related to The Colony property. A portion of the discussion focused on the on-going accumulation of junk on the premises that has not been addressed by the responsible parties. There was consensus to place Resolution 2013-15 on the May 6, 2013 Regular Meeting for discussion and formal action. Recommended Action: Pending discussion, pass Resolution 2013-15.

Town Clerk Trish Granger placed Resolution 2013-15 on record by title only.

Town Manager Bullock advised that the accumulated junk had been removed from the property and that no formal action was needed on Resolution 2013-15 and it was being pulled from consideration.

Upon inquiry, Town Manager Bullock noted that there were five additional items to be considered relating to the Colony property

7. Resolution 2013-16, Providing for Public Hearing Date to Require Property Owner to Secure Maintenance Buildings of Outparcels and Unit A per Town Code Section 150.22(E)
At the April 24, 2013 Special Workshop Meeting the Town Commission discussed conditions at The Colony property, Outparcels and Unit A. Chapter 150.22 provides procedures for buildings which are nuisances; standards to declare as dangerous structures; and for the Town Commission to order repair, vacation, or demolition. Resolution 2013-16, provides for a date for public hearing as provided for in Section 150.22(E). Recommended Action: Pending discussion, pass Resolution 2013-16.

Town Clerk Trish Granger placed Resolution 2013-16 on record by title only.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross displayed an aerial photo of the property, gave a PowerPoint presentation on the Code deficiencies on the property and status of compliance and non-compliance issues, and noted that Resolution 2013-16 would set a public hearing date to make a determination if the conditions existing constitute a public nuisance. Discussions were held on the determination of dangerous structure versus public nuisance.

Planning, Zoning, and Building Department Building Official Wayne Thorne, submitted and reviewed his inspection report dated May 6, 2013, relating to the existing conditions on Outparcel B and Unit A.

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7. Resolution 2013-16, Public Hearing Date to Require Property Owner to Secure Maintenance Buildings of Outparcels and Unit A - Continued

Commr. Duncan inquired and Mr. Thorne advised that there was still electric power to the properties and reviewed the areas that are currently connected to power, noting life/safety issues to maintain alarm systems. Individual comments followed on the lack of response to improve conditions on property until hearings are scheduled.

Town Manager Bullock noted the process required to establish a public hearing had been accomplished.

**RECESS:** 8:38 p.m. - 8:48 p.m.

Dr. Murf Klauber, Gulf of Mexico Drive, requested consideration for additional time and commented on the condition of the Colony property.

Ms. Elsie Kearns, Gulf of Mexico Drive, commented on the efforts of the parties to reach an agreement for redevelopment of the property.

Ms. Patty Finneran, Gulf of Mexico Drive, commented on the security and safety concerns of residents of TenCon and the progress made this date.

Mr. John McClutchy, with the JHM Group, commented on the redevelopment of the property and the intent to work with all of the stakeholders and identified interested parties. Discussions were held with Mr. McClutchy on the following topics/issues:

- lack of a 75% membership vote on any development plan
- suggestion to meet with the Town Manager and Planning, Zoning, and Building Department Director
- background information on the redevelopment company
- lack of confidence in any redevelopment moving forward.

Attorney Don Hemke, representing the Colony Association, and Mr. Larry Stritzel, Property Maintenance Manager, made a joint presentation identifying buildings on the Colony property under control of the Colony Association and noting that Mr. Stritzel will meet with the Mr. Thorne to walk the property and identify deficiencies outlined in Mr. Thorne's report.

Mr. Jay Yablon, President of the Colony Beach and Tennis Club Association, reported on the results of the meetings held relating to the redevelopment of the property. Upon inquiry, Mr. Yablon advised that no date has been scheduled for an ownership vote at the current time.

**Subsequent to individual comments, Commr. Younger moved to pass Resolution 2013-16. The motion was seconded by Commr. Duncan.**

Upon inquiry, Mr. Yablon advised that information on the JHM Group would be provided to the Town and commented on the scheduled Board election.

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7. Resolution 2013-16, Public Hearing Date to Require Property Owner to Secure Maintenance Buildings of Outparcels and Unit A - Continued
**The motion carried by a 7-0 roll call vote, as follows: Younger, aye; Duncan, aye; Gans, aye; Zunz, aye; Larson, aye; Brenner, aye; Brown, aye.**

**PUBLIC HEARING**

8. Town Commission Public Hearing as Provided for in Resolution 2012-07, Section 5
At the April 24, 2013 Special Workshop Meeting the Town Commission discussed conditions at The Colony and provisions of Resolution 2012-07, Section 4 which established standards for property maintenance. Section 5 provides for the Town Commission to hold a public hearing when conditions outlined in Resolution 2012-07 have not been met. Recommended Action: Pending public hearing and discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on the conditions of Resolution 2012-07 and the requirement to hold a public hearing to determine compliance with the Resolution requirements.

Town Manager Bullock reviewed the conditions of Section 4 outlined in Ordinance 2012-07 and noted the actions available to the Town Commission to meet the conditions.

Planning, Zoning, and Building Department Building Official Wayne Thorne commented on the determination to require repairs on designated dangerous buildings. Town Manager Bullock advised that the proper steps must be taken to ensure the Town's actions are defensible. Discussions were held on the associated staff time and costs relating to the conditions and inspections required at the Colony.

Mr. Tom Aposporos, speaking on behalf of the Longboat Key Revitalization Task Force, commented on the lack of progress of the various Colony parties and suggested that the 134 non-conforming units be taken back and to consider a referendum of the registered voters to add the units to the tourism units pool previously established by referendum.

**Commr. Younger moved to reduce the granted extension time frame from December 31, 2013, to October 31, 2013. The motion was seconded by Commr. Duncan.**

Discussion ensued on the following topics/issues:

- impact on reducing the extension time frame
- requests to consider negotiations under way before taking action to reduce the extension
- lack of effective enforcement issues
- continued promises from all parties to resolve issues
- suggestion of the Revitalization Committee to take back the non-conforming units and voter referendum to add the units to the density pool

**Following individual comments, Commr. Younger withdrew the motion.**

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8. Town Commission Public Hearing as Provided for in Resolution 2012-07, Section 5 - Continued

Attorney Jeffrey Warren commented on the issues being addressed in the bankruptcy court and the outstanding work that needs to be accomplished. Attorney Warren commented on upcoming hearings scheduled, costs related to securing and curing maintenance issues, efforts continuing to reach agreements between the parties, and protections offered by the bankruptcy courts for portions of the property.

**Commr. Duncan moved to authorize Town Manager to take action to cure existing property maintenance issues. The motion, seconded by Commr. Larson, carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Younger, aye; Gans, aye; Zunz, aye; Brenner, aye; Brown, aye.**

**Following comments relating to a suggested referendum, there was consensus to discuss the issue of a density referendum at a future Workshop.**

**NEW BUSINESS**

9. Police Activity and Options for Providing Security at The Colony

At the April 24, 2013 Special Workshop Meeting the Town Commission discussed concerns regarding security at The Colony property and heard a trend report of police department calls to the property. Several neighbors expressed a desire for increased patrols to ensure criminal activity does not escalate. The Town Commission will consider options to address security issues at The Colony and adjacent properties. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock on the review of security issues, Police Officer Lee Smith gave a PowerPoint presentation on the statistical crime events at the Colony, provided an overview of the crime analysis performed and security assessments recommended. Discussions were held on the following topics/issues:

- efforts to assist Colony representatives to secure their property
- recommendation to have owners contract with private security firm
- highest priority recommendation of fencing and lighting (in compliance with existing Town Code).

Attorney Donald Hemke responded to inquiry regarding the steps to be taken by the property owners by installing a front gate access fence, stairway blocks, securing buildings, installation of motion lights, and review of motion cameras. Attorney Hemke advised that no determination had been made on installing security fencing around the property.

Mr. Larry Stritzel, Property Maintenance Manager, commented on the items to be accomplished to secure the property and the authority granted by the Board to engage part-time security on as-needed basis.

Upon inquiry, Town Attorney David Persson noted that a review would need to be accomplished to determine the Town's authority to enforce security issues. Discussion ensued on the recommendation to install a fence around the property.

Minutes in draft form and are not official until approved by the Town Commission.

10. Process for Town Commission to Declare Conditions Exist for Condemnation as Provided for in Section 150.22 (H)(4)
At the April 24, 2013, Special Workshop Meeting the Town Commission requested the Town Attorney and staff to prepare information regarding the process of declaring condemnation of a nuisance or dangerous property. The Town Attorney and staff will outline the required steps for a condemnation process. Recommended Action: None, discussion only.

Following comments, Vice Mayor Brenner requested that the JHM proposal be provided to the Town.

**Following comments, there was consensus to reschedule Item 10 for discussion at a future Workshop.**

11. Definition of "Tourism Use" and Transient Lodging
At the April 24, 2013 Special Workshop Meeting the Town Commission directed staff to clarify and define "transient lodging" in relation to "tourism use". The Town Attorney will be prepared to discuss this issue at the May 6, 2013 Regular Meeting, seek Commission direction. Recommended Action: Pending discussion, provide direction to Manager.

Town Attorney David Persson commented on legislation relating to vacation rentals and/or hotels restricting modifications to the existing Town Code.

Discussions were held on the restrictions on changing the definition as it applies to vacation rentals versus hotel use.

**There was consensus to schedule for further discussion at a future Workshop.**

12. Proposed Ordinance 2013-03 and Planning & Zoning (P&Z) Board Request for Clarification on Storage of Boat Trailers in Yards
At their April 16, 2013 Regular Meeting the P&Z Board discussed provisions of proposed Ordinance 2013-03 related to parking and use of travel trailers. The Board recommended seeking direction from the Commission and appointment of a subcommittee/task force to formulate a recommendation regarding storage of trailers in yards. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Planner Steve Schield noted a request from the P&Z Board to appoint a Commissioner to a committee to review the issues further. Upon inquiry, Mr. Schield advised that there are currently no regulations restricting the parking of boat trailers on single family properties. Discussions were held on the following topics/issues:

- options to prohibit boat trailers within specific neighborhood;
- loss of by-laws by the Country Club Shores neighborhoods;
- utilization of committees to work through unresolved issues.

**There was consensus to remand the issue to the P&Z Board to form a committee.**

Minutes in draft form and are not official until approved by the Town Commission.

12. Proposed Ordinance 2013-03 and Planning & Zoning (P&Z) Board Request for Clarification on Storage of Boat Trailers in Yards - Continued
**Following comments, there was consensus for the Mayor to further discuss with the P&Z Board Chair.**

13. Appointments to Town Boards and Committees
Appointments for the expiring or open seats on Town Boards and Committees (Planning & Zoning Board, Zoning Board of Adjustment, and Code Enforcement Board) will be considered at the May 6, 2013 Regular Meeting. Recommended Action: Pending discussion, appoint members to Town Boards and Committees.

Following comments on the appointment process, Town Clerk Trish Granger proceeded with a roll call for the appointment to Seat 1, currently held by Mr. George Symanski, for a term expiring on May 11, 2016, on the Planning and Zoning (P&Z) Board, as follows:

**Commr. Younger cast a ballot for George Symanski.**
**Commr. Larson cast a ballot for George Symanski.**
**Vice Mayor Brenner cast a ballot for George Symanski.**
**Mayor Brown cast a ballot for George Symanski.**
**Commr. Duncan cast a ballot for George Symanski.**
**Commr. Zunz cast a ballot for George Symanski.**
**Commr. Gans cast a ballot for George Symanski.**

**Mr. Symanski was reappointed by a 7-0 vote to Seat 1 on the P&Z Board.**

Town Clerk Granger proceeded with a roll call for the appointment to Seat 2, previously held by Ms. Lauren Goldner, for a term expiring on May 11, 2016, on the P&Z Board, as follows:

**Commr. Larson cast a ballot for Kenneth Schneier.**
**Vice Mayor Brenner cast a ballot for Kenneth Schneier.**
**Mayor Brown cast a ballot for Kenneth Schneier.**
**Commr. Duncan cast a ballot for Kenneth Schneier.**
**Commr. Zunz cast a ballot for Kenneth Schneier.**
**Commr. Gans cast a ballot for Kenneth Schneier.**
**Commr. Younger cast a ballot for Kenneth Schneier.**

**Mr. Schneier was appointed by a 7-0 vote to Seat 2 on the P&Z Board.**

Town Clerk Granger proceeded with a roll call for the appointment to Seat 3, currently held by Ms. B.J. Webb, for a term expiring on May 11, 2016, on the P&Z Board, as follows:

**Vice Mayor Brenner cast a ballot for B.J. Webb.**
**Mayor Brown cast a ballot for B.J. Webb.**
**Commr. Duncan cast a ballot for B.J. Webb.**
**Commr. Zunz cast a ballot for B.J. Webb.**
**Commr. Gans cast a ballot for B.J. Webb.**
**Commr. Younger cast a ballot for B.J. Webb.**
**Commr. Larson cast a ballot for B.J. Webb.**

**Ms. Webb was reappointed by a 7-0 vote to Seat 3 on the P&Z Board.**

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13. Appointments to Town Boards and Committees - Continued
Town Clerk Granger proceeded with a roll call for the appointment to Seat 1, currently held by Mr. Ben Feole, for a term expiring on May 11, 2016, on the Zoning Board of Adjustment (ZBA), as follows:

**Mayor Brown cast a ballot for Ben Feole.**
**Commr. Duncan cast a ballot for Ben Feole.**
**Commr. Zunz cast a ballot for Ben Feole.**
**Commr. Gans cast a ballot for Ben Feole.**
**Commr. Younger cast a ballot for Ben Feole.**
**Commr. Larson cast a ballot for Ben Feole.**
**Vice Mayor Brenner cast a ballot for Ben Feole.**

**Mr. Feole was reappointed by a 7-0 vote to Seat 1 on the ZBA.**

Town Clerk Granger proceeded with a roll call for the appointment to Seat 3 for a partial term expiring on May 14, 2014, on the ZBA, as follows:

**Commr. Duncan cast a ballot for Jean White.**
**Commr. Zunz cast a ballot for Jean White.**
**Commr. Gans cast a ballot for Chuck Fuller.**
**Commr. Younger cast a ballot for Jean White.**
**Commr. Larson cast a ballot for Jean White.**
**Vice Mayor Brenner cast a ballot for Jean White.**
**Mayor Brown cast a ballot for Jean White.**

**Ms. White was appointed by a 6-1 vote to Seat 3 on the ZBA.**

Town Clerk Granger proceeded with a roll call for the appointment to Seat 6, currently held by Mr. Chuck Fuller, for a term expiring on May 11, 2016, on the ZBA, as follows:

**Commr. Zunz cast a ballot for Chuck Fuller.**
**Commr. Gans cast a ballot for Chuck Fuller.**
**Commr. Younger cast a ballot for Chuck Fuller.**
**Commr. Larson cast a ballot for Chuck Fuller.**
**Vice Mayor Brenner cast a ballot for Chuck Fuller.**
**Mayor Brown cast a ballot for Chuck Fuller.**
**Commr. Duncan cast a ballot for Chuck Fuller.**

**Mr. Fuller was reappointed by a 7-0 vote to Seat 1 on the ZBA.**

Following comments on the applicant for appointment to the Code Enforcement Board (CEB), Mr. James McGuire was appointed to Seat 1, for a term expiring on May 11, 2016, by acclaim.

Town Clerk Granger advised that all the applicants would be notified of the appointments made and noted that the remaining vacancies on the ZBA and CEB would be readvertised.

14. Selection of Town Attorney
At the April 1, 2013, Regular Meeting the Town Commission discussed proposals received responding to a Request for Proposals (RFP) for Town Attorney Services. Of five respondents

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14. Selection of Town Attorney - Continued
two candidates were selected for one-on-one interviews with Town Commissioners, the Town Manager and PZB Director. The Commission, as the Selection Committee, will discuss selection of a Town Attorney at the May 6, 2013 Regular Meeting. Recommended Action: Pending discussion, provide direction to Manager.

**Following comments by Town Manager Dave Bullock and individual Commission comments, Commr. Younger moved to appoint Attorney Mooney-Portale to serve as Town Attorney. The motion was seconded by Commr. Gans.**

Upon inquiry, Town Manager Bullock offered his personal observances of the two firms and advised that his final recommendation would be based on institutional knowledge of the Town's actions.

**Subsequent to individual comments, the motion carried by a 6-1 roll call vote, as follows: Younger, aye; Gans, aye; Duncan; aye; Brown, aye; Zunz, no; Larson, aye; Brenner, aye.**

**Town Manager Bullock requested and there was consensus to authorize the Town Manager to draft the appropriate contract.**

Discussion ensued on the term of the contract.

**TOWN COMMISSION COMMENTS** - No items were presented.

**TOWN ATTORNEY COMMENTS** - No items were presented.

**TOWN MANAGER COMMENTS**

A. Planning, Zoning, and Building Department
Town Manager Dave Bullock advised that a draft of the Urban Land Institute (ULI) questions will be provided for discussion at the May 20, 2013, Regular Workshop Meeting, noting that he has scheduled several other meetings/workshops for that date.

B. Manatee County Government
Town Manager Dave Bullock advised that he and Mayor Brown would be attending the Manatee County Commission meeting on May 7, 2013, to discuss the transit funding issue.

**PRESS TO BE HEARD** - No items were presented.

**ADJOURNMENT**
**Mayor Brown adjourned the May 6, 2013, Regular Meeting at 11:07 p.m.**

_____ _____
Trish Granger, Town Clerk James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# GOALS AND OBJECTIVES SPECIAL WORKSHOP
# MAY 20, 2013 - 10:00 A.M.

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Lynn Larson, Jack Duncan, Pat Zunz, Phill Younger, Terry Gans

**Also Present:** Town Manager Dave Bullock, Attorney Maggie Mooney-Portale, Town Deputy Clerk Jo Ann Mixon

## CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Brown called the Goals and Objectives Special Workshop of the Longboat Key Town Commission to order at 10:00 a.m. Mayor Brown requested and Commr. Larson led the Pledge of Allegiance.

## 1. MAYOR'S INTRODUCTION

Mayor Brown welcomed the meeting participants, explained the process for the meeting, and thanked the representatives for their participation and for providing their written comments in advance of this meeting.

## 2. CIVIC ORGANIZATIONS, CHURCHES, AND ASSOCIATIONS

A. Attendance Confirmed - Written Comments Submitted

1. Federation of Longboat Key Condominiums

Federation of Longboat Key Condominiums Representative George Spoll commented on the following topics/issues:

- cell tower construction
- quality emergency response services/satellite medical facility
- Bayfront Park development/community center
- partner with Manatee and Sarasota counties for services
- continue the Longboat Key Trolley service
- residential and commercial balance/revitalization of buildings and infrastructure.

2. Friends of Tennis, Inc.

Friends of Tennis, Inc. Representative Richard Schlorf introduced Mr. Bill Allen who commented on the need to increase tennis related activities.

3. Longboat Key Garden Club

Longboat Key Garden Club Representative Madelyn Spoll commented on the following topics/issues:

- development of a community center
- equal maintenance at all public parks.

4. Longboat Key Estates Club Association

Longboat Key Estates Club Association Representative Nancy Jenkins commented on the following topics/issues:

- develop a community center/clubhouse
- activities to encourage better health (swimming pool/spa/walking trails)

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**2. CIVIC ORGANIZATIONS, CHURCHES, AND ASSOCIATIONS** - Continued

A. Attendance Confirmed - Written Comments Submitted – Continued

4. Longboat Key Estates Club Association - Continued

- tennis court lights/increased recreation amenities program
- develop a dog park/restrict dogs from the beach
- deeded beach area/traffic safety along Gulf of Mexico Drive.

5. Longboat Key Turtle Watch

Longboat Key Turtle Watch Representative Cindy Seamon commented on the following topics/issues:

- update to Ordinance 87-16/adoption of the model Lighting Ordinance for Marine Turtle Protection
- restricting dogs from the beach.

6. Temple Beth Israel

Temple Beth Israel Representative Rabbi Katz commented on the following topics/issues:

- sign reduction and enhancement to existing sign poles
- development of a community bandstand.

7. Longbeach Village Association

Longboat Village Association Representative Michael Drake commented on the following topics/issues:

- stormwater drains in the Village (regularly scheduled maintenance)
- wheelchair accessible and ADA (Americans With Disability Act) compliance at Broadway Street dock
- school bus pick up/drop off (bench and landscaping)
- Poinsetta Avenue sign replacement
- opening of the waterway under Broadway Street to connect the two bodies of water.

8. Whitney Beach Association: No representatives were present.

B. Attendance Confirmed - Written Comments Not Submitted

The following entities were not present at the Workshop:

1. Longboat Key, Lido Key, and St. Armands Key (LLSA) Chamber of Commerce
2. Longboat Key Club
3. The Education Center
4. Aquarius Club Condominium
5. Longboat Key Center for the Arts

C. Open To Public (Other Organizations Not Listed): No items were presented.

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**2. CIVIC ORGANIZATIONS, CHURCHES, AND ASSOCIATIONS** - Continued
Discussions were held with Town Manager Dave Bullock and Public Works Director Juan Florensa on the following topics/issues:

- drain pipe maintenance (Village)
- website updates regarding various maintenance schedules
- Village stormwater drain outfalls
- scheduled maintenance for stormwater drains
- department planned activities
- Linley Street boat ramp rehabilitation
- white fly issue.

Mr. Michael Drake, Longbeach Village Association, discussed a stormwater drainage project completed at Cortez (Manatee County) that improved the drainage issues in that area.

Discussions were held on the following topics/issues:

- signs located on Longboat Key (possible enhancements)
- stormwater drainage management (pump)
- Longboat Key Center for the Arts stormwater drainage design
- canal dredging schedule
- UL presentation to the Federation of Condominiums
- Sea Turtle protection efforts.

**ADJOURNMENT**
**Mayor Brown adjourned the May 20, 2013, Goals and Objectives Workshop at 10:50 a.m.**

_____ _____
Jo Ann Mixon, Deputy Town Clerk James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# SPECIAL WORKSHOP MEETING
# MAY 20, 2013 - 11:00 A.M.

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

**Also: Present:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Town Clerk Trish Granger

## CALL TO ORDER

**Mayor Brown called the meeting to order at 11:03 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

1. Fiscal Year 2013-2014 Budget Discussion

The Town Manager will provide an update on the current year Budget and a review of the Fiscal Year (FY) 2013-2014 budget currently under development. Recommended Action: Pending discussion, provide direction to Manager

Town Manager Dave Bullock noted that Acting Finance Director Sandi Henley would be participating and wished Fire Chief Paul Dezzi a happy birthday greeting.

Town Manager Bullock noted the time frame for submission of the preliminary budget, establishing the maximum millage rates, and adoption of the FY 2013-2014 budget. Town Manager Bullock gave a PowerPoint presentation on the Preliminary Budget. Discussions were held on the following topics/issues:

- reduction in revenue for electricity franchise fees
- options to obtain audit on electricity generated
- Florida Power and Light Company (FPL) franchise agreement terms/current franchise expiration agreement
- impact of Hilton closure on sales tax revenues
- basis for FPL franchise fees (kilowatt)
- Commission Contingency Balance
- anticipated pension costs/financial impact of closing plans
- West Coast Inland Navigation District (WCIND) reduced grant funding
- amount of investment interest over-estimated
- estimated expenditure increases
- payment of Tropical Storm Debby claim from the Federal Emergency Management Agency (FEMA) in the amount of approximately $8,610, 483
- Contingency Fund Balance/Emergency Fund Balances
- need to develop an Emergency/General Fund Balance Policy
- options for increasing General Fund balance
- items included in the reflected increase in Personnel Costs (modify terminology to reflect new retirement program)
- dual pension/retirement costs anticipated during transition periods
- Charter requirement for presentation of preliminary budget versus date information needed is received from Property Appraisers (June 1 annually)

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1. Fiscal Year 2013-2014 Budget Discussion - Continued

- impact of new regulations (Ordinances) on existing staff
- Marine Patrol services/hours of patrol
- proposed dates of June Budget Workshops
- beach nourishment funding options/responses to Request for Proposal (RFP) and unanticipated higher cost estimate
- available funding in beach fund/restricted utilization of FEMA reimbursement funds.

Town Manager Bullock advised that the Town Commission would receive the Preliminary Budget document on (or before) June 1, 2013, as required.

**ADJOURNMENT**
**Mayor Brown adjourned the Special Workshop Meeting at 12:10 p.m.**

Trish Granger, Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# REGULAR WORKSHOP MEETING
# MAY 20, 2013 - 1:00 P.M.

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

**Also: Present:** Town Manager Dave Bullock, Assistant Town Attorney Maggie Mooney-Portale, Town Clerk Trish Granger

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

**Mayor Brown called the Regular Workshop Meeting to order at 1:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida, and Commr. Younger led the Pledge of Allegiance.**

## PUBLIC TO BE HEARD

1. Opportunity for Public to Address Town Commission

A. Planning, Zoning, and Building

Mayor Brown noted that Mr. Ed Chiles, Applicant, has submitted a request for rehearing on the Mar Vista Restaurant Site Plan Amendment issue and noted that a public hearing would be scheduled for a future date.

B. Planning, Zoning, and Building

The following individuals commented on the Mar Vista Restaurant Site Plan Application:

Mr. Gene Jaleski
Mr. David Myers
Ms. Shirley Myers
Ms. Janet Kelley
Mr. Richard Kelley
Ms. Cheryl Fraser
Mr. McCord Fraser
Ms. Ruth Gray
Mr. Robert Gray
Ms. Lynne Hayden
Mr. Joe Mazza
Ms. Verna Ritter
Ms. Peggy Watkins
Ms. Carol Weiss
Brian Feeney
Ms. Mary Mazza
Ms. Corinne Silver Ragheb
Mr. Samir Ragheb
Ms. Tama Traberman
Mr. Luke Magliaro
Mr. Howard Raczkiewicz
Mr. Pete Rowan
Ms. Carla Rowan

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1. Opportunity for Public to Address Town Commission - Continued

B. Planning, Zoning, and Building - Continued
**Mayor Brown noted that residential lots in the area of Mar Vista cannot be utilized for commercial parking areas.**

Public comment continued with the following individuals commenting on the Mar Vista Restaurant Site Plan Application:

Mr. Tom Barnum
Mr. William Ball
Ms. Lillian Sands

**Mayor Brown requested that the notification process be reviewed by staff.**

Commr. Zunz advised that she had completed and submitted Form 8B, Memorandum of Voting Conflict, pertaining to the item.

**RECESS:** 1:55 p.m. - 2:03 p.m.

**COMMITTEE REPORTS AND COMMUNICATIONS**

2. Manatee County Special Liaison Report

A. Organizations
Commr. Zunz noted attendance at the Bradenton Area Economic Development Corporation meeting and reviewed issues discussed.

B. Organizations
Vice Mayor Brenner noted attendance at the following meetings and reviewed issues discussed: Manatee County Council of Governments, Bradenton Area Economic Development Corporation, Manatee County Chamber of Commerce Luncheon, and the Sarasota County Tourist Development Council.

3. Sarasota County Special Liaison Report - No items were presented.

4. Other Reports - Planning & Zoning (P&Z) Board Report – B.J. Webb, Chair
P&Z Board Chair B.J. Webb commented on the Board's review of the Property Maintenance Code and requested consideration for a Town Commissioner to be appointed to a Committee to review the boat trailer/storage issues.

**Mayor Brown noted that Commr. Zunz had volunteered. Commr. Larson noted an interest by Country Club Shores residents and volunteered to serve.**

**Mayor Brown requested that Chair Webb contact the Commissioners to schedule their attendance.**

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5. Proclamation – National Public Works Week - May 19-25, ***Because of Public Works***
Vice Mayor Brenner read and presented a proclamation for National Public Works Week to Public Works Director Juan Florensa. Mr. Florensa accepted the proclamation and thanked the Commission and residents for their support.

6. Employee Awards

A. Mr. Brad Sicard - Public Works Employee of the Year
Mr. Florensa noted that Public Works staff members, excluding management personnel, elect a Public Works Team Member of the Year and presented Mr. Brad Sicard as Team Member of the Year.

B. Mr. Daniel Shtuka - 15 years of Service
Vice Mayor Brenner and Management Information Services Director Kathi Pletzke provided employment accomplishments and presented a 15-Year Service Award to Mr. Daniel Shtuka, Management Information Services.

Mr. Shtuka thanked the Commission for the opportunity to serve the Town's residents.

**CONSENT AGENDA**
7. Cancellation of July and August Workshop Meetings and August Regular Meeting
As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. Recommended Action: Approval of the Consent Agenda will forward this item to the June 3, 2013, Regular Meeting for formal action.
8. Redistricting Commission District Boundaries
In accordance with the Town Charter, Article II, Section 1, Commission Districts, an update and audit of the Town's registered voters has been completed to determine whether the number of registered voters in any Commission district exceeds the number of registered voters in any other district by 20%. The audit reveals that redistricting is not required for the current year. Recommended Action: None, informational only.

**There was consensus to approve the Consent Agenda in accordance with Staff's reports and recommendations.**

**DISCUSSION ITEMS**
9. Proposed Ordinance 2013-13, Amending Chapter 34, Employment Policies
Proposed Ordinance 2013-13, amends Chapter 34, Employment Policies and provides for a freeze of the Firefighters' Retirement System defined benefit plan effective September 30, 3013. Current and future firefighters will be enrolled in the Florida Retirement System (FRS). Recommended Action: Pending discussion, forward Ordinance 2013-13 to the May 20, 2013 Special Meeting for first reading.

Town Manager Dave Bullock noted the ratification of the Collective Bargaining Agreement in February 2013 and the resulting action to freeze the existing Firefighters' Retirement System Plan.

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9. Proposed Ordinance 2013-13, Amending Chapter 34, Employment Policies - Continued
Upon inquiry, Town Manager Bullock confirmed that calculations for employees that would be transferring to the FRS program would be based on the salaries at the time of the transfer.

**There was consensus to forward Ordinance 2013-13 to the May 20, 2013 Special Meeting for first reading.**

10. Proposed Emergency Ordinance 2013-21, Providing for the Town of Longboat Key to Withdraw from Participation Under Chapter 175, Florida Statutes
Through Collective Bargaining the Town is enrolling all future firefighters in the Florida Retirement System (FRS) and withdrawing participation under Chapter 175. Proposed Ordinance 2013-21, withdraws the Town from participation under Chapter 175 and from all previously adopted ordinances and resolution imposing the premium tax authorized by F.S., Section 175.101. Recommended Action: Pending discussion, forward Ordinance 2013-21 to the May 20, 2013 Special Meeting for formal action.

Town Manager Dave Bullock provided an overview of the nature of the issue and advised that one newly appointed Board Member elected not to participate in the meeting.

**There was consensus to forward Emergency Ordinance 2013-21 to the May 20, 2013 Special Meeting for first reading.**

11. Proposed Ordinance 2013-14, Amending Chapter 34, Section 34.75, Composition of General Employees' Retirement System Board of Trustees
Proposed Ordinance 2013-14 provides for a change to the composition of the current General Employees' Retirement System Board of Trustees. The Commission will consider this Ordinance and the proposed membership and structure of the Board of Trustees at the May 20, 2013 Regular Workshop Meeting. Recommended Action: Pending discussion, forward Ordinance 2013-14 to the May 20, 2013 Special Meeting for first reading.

Town Manager Dave Bullock noted the Ordinance restructures the General Employees Pension Board similar to the restructure of the Firefighters Retirement System Board of Trustees. Discussions were held on combining the Board of Trustees for the three Pension Funds and representation of non-union employees by union representatives.

**There was consensus to forward Ordinance 2013-14 to the May 20, 2013 Special Meeting for first reading.**

12. Proposed Ordinance 2013-15, Amending Chapter 34, Employment Policies
Proposed Ordinance 2013-15, provides for a freeze of the General Employees' Retirement System defined benefit plan effective September 30, 2013. Current and future employees will be enrolled in a defined contribution plan administered by ICMA-RC (International City Management Association Retirement Corporation). Recommended Action: Pending discussion, forward Ordinance 2013-15 to the May 20, 2013 Special Meeting for first reading.

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12. Proposed Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued

Town Manager Dave Bullock provided an overview of the proposed Ordinance. Upon inquiry, Town Manager Bullock advised that ICMA-RC representatives are and will be available to assist employees in the transition.

Mr. Steve Schield, Chair of the General Employees Retirement System Board of Trustees and resident of Longboat Key, commented on the costs to freeze the General Employees Retirement Plan and requested consideration for long-term employees to enter the Deferred Retirement Option Plan (DROP) as granted to the firefighters.

Commr. Larson suggested that Mr. Schield discuss the issues with Town Manager Bullock and noted that benefits for General employees differ from those of Police and Fire employees.

Mr. Shield noted that the DROP plan has been included in all three plans and requested consideration to offer the DROP to General Employees.

**There was consensus to forward Ordinance 2013-15 to the May 20, 2013 Special Meeting for first reading.**

13. Proposed Ordinance 2012-26, Property Maintenance Code

At their March 19, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval and forwarded proposed Ordinance 2012-26 to the Town Commission for consideration at their May 20, 2013 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building (PZB) Department Planner Steve Schield gave a PowerPoint presentation on the proposed Ordinance 2012-26, Property Maintenance Code. Discussions were held with Mr. Schield, Subcommittee Member Jack Daly, PZB Director Robin Meyer, and Fire Chief Paul Dezzi on the following topics/issues:

- edits suggested by the Subcommittee relating to aesthetics to protect property values
- impact on residents relating to "aesthetics"/determination of definition
- historical issues relating to maintenance of structures
- requirements for maintenance of fences/sea walls
- removal of proposed Section 104.14(O), Doors
- impact of enforcement issues on current staffing levels
- budget impacts to ensure compliance
- removal of the fire safety requirements.

Upon inquiry, Fire Chief Paul Dezzi confirmed that the fire safety codes are outlined in the Florida Fire Prevention and Life Safety Code.

**Commr. Duncan requested that the fire safety codes be forwarded to him. Commr. Zunz requested that the section of the Code relating to fences be forwarded to her.**

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13. Proposed Ordinance 2012-26, Property Maintenance Code - Continued
**There was consensus to forward Ordinance 2012-26 to the June 17, 2013 Special Meeting for first reading.**

**RECESS:** 3:02 p.m. - 3:13 p.m.

14. Proposed Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications
At their April 16, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Resolution 2013-09 as written. The Resolution authorizes transmittal of proposed Comprehensive Plan amendments to the Future Land Use Element policies 1.1.10 and 1.6.4 regarding personal wireless facilities. This item was forwarded to the May 20, 2013 Regular Workshop Meeting for Town Commission consideration. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock regarding the intent of the Resolution to transmit a Comprehensive Plan Amendment, Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on proposed Resolution 2013-09. Discussions were held with Mr. Meyer and Town Manager Bullock on the following topics/issues:

- options to request formal/informal responses from carriers to resolve coverage issues
- hierarchy outlined in the proposal
- study conducted and results provided by T.E. Connectivity
- meetings held with service providers
- associated costs.

Mr. Jeremy Whatmough, Gulf of Mexico Drive, read a prepared statement from Mr. Ronald Platt on proposed Resolution 2013-09.

Mr. Gene Jaleski, Cedar Street, commented on alternative options and displayed photographic copies of various types of cell towers.

Attorney Charlie Bailey commented on the proposed Resolution. Upon inquiry, Attorney Bailey noted he has been participating in the Longboat Key hearings/public meetings relating to cell tower issues beginning in October 2011.

Following comments by Attorney Bailey on restrictions imposed by Federal and State laws, Assistant Town Attorney Maggie Mooney-Portale noted that she will provide the Commission with additional information on the existing regulations.

Attorney Michael Furen, representing Mr. Gus Sclafani, provided information on the Telecommunications Act, commented on the Town Commission policy relating to cellular transmission towers, and requested consideration to amend the proposed Comprehensive Plan Amendment.

14. Proposed Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications - Continued

Minutes in draft form and are not official until approved by the Town Commission.

Discussion ensued on the results of the T.E. Connectivity Study.

**There was consensus to forward Resolution 2013-09 to the June 3, 2013 Regular Meeting for public hearing and formal action.**

15. Process for Town Commission to Declare Conditions Exist for Condemnation
At the April 24, 2013 Special Workshop Meeting the Town Commission requested the Town Attorney and staff to prepare information regarding the process of declaring condemnation of a nuisance or dangerous property. The Town Attorney and staff will outline the required steps for a condemnation process under provisions of the Town Code and Florida Statues.

a. Pursuant to Town Code, Sections 150.21 and 150.22
b. Pursuant to Florida Statutes, Sections 166.401 and 166.411

Recommended Action: None, discussion only.

Assistant Town Manager Anne Ross presented a PowerPoint presentation on the process to declare conditions exist for condemnation. Following comments on existing conditions on some parcels located at 1620 Gulf of Mexico Drive, Town Attorney Maggie Mooney-Portale provided background information on statutory restrictions relating to a municipalities authority to condemn properties. Discussion ensued on the following topics/issues:

- condemnation authority versus eminent domain authority
- anticipated Commission direction on this issue
- owners' ability to resolve issues/recourse to condemnation.

Mr. Gene Jaleski, Cedar Street, commented on the conditions at the Colony.

16. Referendum to Redistribute Colony Tourism Units
At the May 6, 2013, Regular Meeting, the Longboat Key Revitalization Task Force submitted a recommendation to allow the extension granted to the Colony property to expire, allowing the non-conforming tourism units (134) to be considered for inclusion in the tourism units "pool" passed by voter referendum. The Revitalization Task Force suggested that a referendum vote be scheduled for the registered voters of Longboat Key to determine if this would be a viable use of any units lost by the expiration of the Commission granted "grandfathering" extension. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation on the suggestion to allow the grandfathering extension granted to the Colony property to expire and to initiate a referendum to include the 134 units at the Colony to be added to the Tourism Units Pool. Discussions were held on the following topics/issues:

- timeframe to consider the additional tourism units if the extension is allowed to sunset.

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16. Referendum to Redistribute Colony Tourism Units - Continued

- option to schedule a referendum prior to expiration of the extension on the grandfathered units
- timeframe to cancel an election versus cancelling an issue on a ballot.

Mr. George Spoll, representing the Longboat Key Revitalization Task Force, commented on the request to add tourism units to the existing units available.

Discussion ensued on the following topics/issues:

- distribution of tourism units
- non-conforming properties/Town's action in 1984 making properties non-conforming
- review of issues by the Urban Land Institute (ULI) in the fall
- impact of Colony property owners' inaction.

Mr. Larry Grossman, St. Judes Drive North, commented on the lack of action by the owners.

Attorney Don Hemke, representing the Colony Association, opined that the extension is effective until December 31, 2013, and that any referendum action prior to that date would not be appropriate.

Commr. Gans noted that no information was received from the proposed developer as requested following the discussions at the May 6, 2013, Regular Commission meeting.

Individual comments followed on the time provided to the Colony owners to date.

**RECESS:** 4:47 p.m. - 4:57 p.m.

17. Fiscal Year (FY) 2013-2014 Preliminary Budget Discussion
The Town Commission scheduled a May 20, 2013, Special Workshop Meeting to discuss the FY 2013-2014 Preliminary Budget. This item serves as a placeholder in the event Commissioners request supplemental information or wish to have additional discussion regarding the FY 2013-2014 Preliminary Budget. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock advised that the item was a placeholder to discuss any items resulting from Commission direction at the Budget Workshop earlier this date and noted no additional discussion was required at the current time.

18. Urban Land Institute (ULI) – Scope of Work and Proposed Contract
At the February 19, 2013 Regular Workshop Meeting the Town Commission directed staff to proceed with contract negotiations with ULI. The Town Manager and Town Attorney have developed a scope of work and proposed contract for Commission consideration at the May 20, 2013 Regular Workshop Meeting. Recommended Action: Pending discussion, provide direction to Manager.

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18. Urban Land Institute (ULI) – Scope of Work and Proposed Contract- Continued
Following comments on the review of the draft questions, discussion ensued on the time frame for submission of the Town's information and the significance of the issue and the questions to be asked.

**Following comments, there was consensus to have a single-subject workshop on the issue.**

Mr. Larry Grossman, St. Judes Drive North, commented on the ULI process.

19. Review of Proposed Contract with Town Attorney
At the May 6, 2013, Regular Meeting, the Town Commission selected Attorney Maggie Mooney-Portale with the firm of Persson and Cohen, P.A., to serve as the Town Attorney and directed the Town Manager to draft a contract for Commission consideration at the May 20, 2013 Regular Workshop Meeting. Recommendation: Pending discussion, forward the proposed Town Attorney Contract to the May 20, 2013 Special Meeting for formal action.

Following comments by Town Manager Dave Bullock, discussion ensued on the following topics/issues:

- terms for contract extension for a maximum of three to five years for new contract negotiations
- insurance coverage amounts outlined in the Request for Proposal and options to increase the coverage amount.

**There was consensus to include a renewal limitation of five years, to further review insurance requirements/amount of coverage, and to forward the Contract to the June 3, 2013 Regular Meeting for formal action.**

**PUBLIC TO BE HEARD**
20. Opportunity for Public to Address Town Commission - No items were presented.
Town Code Section 30.01.1(B) provides that when the Town Commission conducts a Workshop Meeting wherein a Special Meeting immediately follows, the floor shall be opened for the public to be heard at the conclusion of the Workshop Meeting.

**TOWN COMMISSION COMMENTS**

A. Town Attorney
Vice Mayor Brenner suggested that an appropriate recognition for Town Attorney David Persson's service to the Town be considered and noted that Attorney Persson resigned from the position of Town Attorney contrary to statements being made by some individuals.

**TOWN ATTORNEY COMMENTS** - No items were presented.

**TOWN MANAGER COMMENTS** - No items were presented.

**PRESS TO BE HEARD** - No items were presented.

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**ADJOURNMENT**

**Mayor Brown adjourned the May 20, 2013 Regular Workshop Meeting at 5:15 p.m.**

_____ _____

Trish Granger, Town Clerk James L. Brown, Mayor

Minutes Approved: _____

Minutes in draft form and are not official until approved by the Town Commission.

**MINUTES**
**LONGBOAT KEY TOWN COMMISSION**
**SPECIAL MEETING**
**MAY 20, 2013 - 5:20 P.M.**

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

**Also: Present:** Town Manager Dave Bullock, Assistant Town Attorney Maggie Mooney-Portale, Town Clerk Trish Granger

**CALL TO ORDER**

**Mayor Brown called the Special Meeting to order at 5:20 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida.**

8. Reconsideration of Resolution 2013-12, Site Plan Approval for Mar Vista

At the request of Commissioner Younger, this matter is being placed on the May 20, 2013 Special Meeting agenda for discussion and possible action. Discussion must be confined to whether the Commission wants to re-notice and reschedule a public hearing to further consider the Mar Vista site plan application. The motion must come from someone who voted in the majority. Recommended Action: Pending discussion, provide direction to Manager.

Following comments by Mayor Brown, Assistant Town Attorney Maggie Mooney-Portale commented on consideration of the application and noted that no discussion on the merits of the application can be held on this date. Upon inquiry, Assistant Town Attorney Mooney-Portale advised that the procedural notice would be reviewed.

Mayor Brown noted that there are advertising requirements that cannot be met for the June 3, 2013, Regular Meeting to hold a public hearing and that a public hearing will be scheduled in the future.

Assistant Town Attorney Mooney-Portale advised that the applicant had requested a rehearing which supersedes the Town Commission request to discuss the matter.

The following individuals commented on the Mar Vista Restaurant Site Plan Amendment:

Ms. Cathy Niarchos
Mr. Samir Ragheb
Ms. Corrine Ragheb
Ms. Peggy Watkins (submitted a petition)
Mr. Joe Mazza
Mr. Larry Grossman
Mr. Gene Jaleski
Mr. Pete Rowan
Ms. Georgia Walters
Ms. Carla Rowan
Mr. Bus Fischer

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8. Reconsideration of Resolution 2013-12, Site Plan Approval for Mar Vista - Continued
**Commr. Younger moved to reschedule the hearing to ensure all proper notifications. The motion was seconded by Commr. Duncan.**

Discussion ensued on the following topics/issues:

- verification of the required notifications to surrounding property owners
- requirements to process a reapplication through the Planning and Zoning (P&Z) Board
- authority of P&Z Board to approve/deny Special Exception petitions.

**Commr. Duncan moved a substitute motion to remand the issue to the Town Attorney for legal assessment to review timing of public hearing, notice requirements, and procedure to grant a rehearing on the Site Plan application and to schedule for public hearing in October 2013. The motion was seconded by Commr. Zunz. (Commr. Younger noted agreement with the substitute motion.)**

**Following comments, Commr. Duncan moved to amend the substitute motion to provide for a public hearing date to be determined with appropriate notice at the soonest time possible, without objection.**

**The substitute motion, as amended, carried by a 5-2 roll call vote, as follows: Duncan, aye; Zunz, no; Gans, aye; Younger, aye; Brown, aye; Brenner, no; Larson, aye.**

Individual comments followed on the timing/scheduling of public hearings, public participation, and residents responsibility to be aware and participate in issues important to the community.

**ORDINANCES - FIRST READING**

1. Ordinance 2013-13, Amending Chapter 34, Employment Policies

Ordinance 2013-13 amends Chapter 34, Employment Policies and provides for a freeze of the Firefighters' Retirement System defined benefit plan effective September 30, 3013. Current and future firefighters will be enrolled in the Florida Retirement System (FRS). The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-13 to the June 3, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-13 on record by title only.

**Commr. Zunz moved to pass Ordinance 2013-13 on first reading and to forward to the June 3, 2013, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Gans, carried by a 7-0 roll call vote, as follows: Zunz, aye; Gans, aye; Younger, aye; Larson, aye; Brenner, aye; Brown, aye; Duncan, aye.**

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2. Emergency Ordinance 2013-21, Providing for the Town of Longboat Key to Withdraw from Participation Under Chapter 175, Florida Statutes

Through Collective Bargaining the Town is enrolling all future firefighters in the Florida Retirement System (FRS) and withdrawing participation under Chapter 175. Ordinance 2013-21, withdraws the Town from participation under Chapter 175 and from all previously adopted ordinances and resolution imposing the premium tax authorized by F.S., Section 175.101. The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for adoption. Recommended Action: Pending first reading and discussion, adopt Emergency Ordinance 2013-21.

Town Clerk Trish Granger placed Emergency Ordinance 2013-21 on record by title only.

**Commr. Larson moved to adopt Emergency Ordinance 2013-21. The motion was seconded by Commr. Younger.**

Town Manager Dave Bullock commented on the consideration and adoption of the Emergency Ordinance. Assistant Town Attorney Maggie Mooney-Portale noted provisions in the Town's Charter and applicable Florida Statutes to adopt emergency ordinances.

**The motion carried by a 7-0 roll call vote, as follows: Larson, aye; Younger, aye; Duncan, aye; Brown, aye; Gans, aye; Zunz, aye; Brenner, aye.**

3. Ordinance 2013-14, Amending Chapter 34, Section 34.75, Composition of General Employees' Retirement System Board of Trustees

Ordinance 2013-14 provides for a change to the composition of the current General Employees' Retirement System Board of Trustees. The Commission considered this Ordinance and the proposed membership and structure of the Board of Trustees at the May 20, 2013 Regular Workshop Meeting. The ordinance was forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-14 to the June 3, 2013 Regular Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013- 14 on record by title only.

**Commr. Duncan moved to pass Ordinance 2013-14 on first reading and to forward to the June 3, 2013, Regular Meeting for second reading and public hearing. The motion, seconded by Commr. Zunz, carried by a 7-0 roll call vote, as follows: Duncan, aye; Zunz, aye; Larson, aye; Gans, aye; Brenner, aye; Brown, aye; Younger, aye.**

4. Ordinance 2013-15, Amending Chapter 34, Employment Policies

Ordinance 2013-15, provides for a freeze of the General Employees' Retirement System defined benefit plan effective September 30, 2013. Current and future employees will be enrolled in a defined contribution plan administered by ICMA-RC. The ordinance was considered at the May 20, 2013 Regular Workshop Meeting and forwarded to the May 20, 2013 Special Meeting for first reading. Recommended Action: Pending first reading and discussion, forward Ordinance 2013-15 to the June 3, 2013 Regular Meeting for second reading and public hearing.

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4. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued
Town Clerk Trish Granger placed Ordinance 2013- 15 on record by title only.

**Commr. Gans moved to pass Ordinance 2013-15 on first reading and to forward to the June 3, 2013, Regular Meeting for second reading and public hearing. The motion was seconded by Commr. Younger.**

Upon inquiry, Town Manager Dave Bullock noted the freeze applies to the current defined benefit plan that the Town has offered in the past and creates a new defined contribution retirement plan for current and future employees.

**The motion carried by a 7-0 roll call vote, as follows: Gans, aye; Younger, aye; Duncan, aye; Zunz, aye; Larson, aye; Brenner, aye; Brown, aye.**

Discussion ensued on the following topics/issues:

- intent of freezing the General Employees' defined benefit plan
- Item B (page 2 of Ordinance) relating to a defined contribution plan
- references to the DROP (Deferred Retirement Option Plan) program/removal of the DROP option for general employees.

**Commr. Younger moved to eliminate the DROP option. The motion failed for lack of a second.**

Discussion ensued on the following topics/issues:

- authority of Town Manager to oversee benefits for employees
- entry into the DROP program prior to freezing of the defined benefit plan
- provisions granted to firefighters' through the union contract
- ability for current employees to enter the DROP program if eligible, with no special provisions
- differential treatment of one employee group over another
- anticipated additional cost to extend DROP benefits to general employees
- benefit packages offered to high risk employees (police officers/firefighters) over general employees
- intent to relieve Town of pension liability not establish different classes of employees
- number of employees impacted by the deletion of the DROP from the general employees retirement options.

**RECESS:** 6:27 p.m. - 6:32 p.m.

4. Ordinance 2013-15, Amending Chapter 34, Employment Policies - Continued
Discussions continued on the increased benefit packages historically offered to high risk employees and the five-year exemption offered to Firefighters' to enter the DROP program prior to the plan freeze.

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**RESOLUTION AND PUBLIC HEARING**

5. Resolution 2013-17, Declaring the Buildings and Structures of 1620 Gulf of Mexico Drive, Outparcel B (Maintenance Area) per Town Code Section 150.22(H) as a Public Nuisance

At the May 6, 2013, Regular Meeting the Town Commission discussed conditions at The Colony property and passed Resolution 2013-16, setting a public hearing date for May 20, 2013 to determine if the buildings and structures located on Outparcel B and Unit A at 1620 Gulf of Mexico Drive are to be declared as a public nuisance, in accordance with Section 150.22, of the Town Code. Resolution 2013-17 provides for the abatement of the conditions outlined in Section 150.22(H) located on Outparcel B. Recommended Action: Pending public hearing and discussion, pass Resolution 2013-17.

Town Clerk Trish Granger placed Resolution 2013-17 on record by title only.

Commr. Larson disclosed that she has "friended" Ms. Katie Moulton on Facebook but has not visited Ms. Moulton's Facebook page.

**Commr. Younger moved to pass Resolution 2013-17. The motion was seconded by Mayor Brown.**

Assistant Town Manager Anne Ross gave a PowerPoint presentation on the Code violations and deficiencies timeline pertaining to Outparcel B located at 1620 Gulf of Mexico Drive. Ms. Ross noted Staff's recommendation to pass Resolution 2013-17, Version "A" declaring a nuisance exists.

Planning, Zoning, and Building Department Building Official Wayne Thorne noted a site inspection this date, advising that corrective action has been taken on Unit A of the property however no remedy of deficiencies has been accomplished on Outparcel B.

**Mayor Brown opened the public hearing.**

Ms. Katherine Klauber-Moulton, representing Dr. Murray Klauber, commented on the status of repairs on Outparcel B and responded to Commissioner's inquiry on anticipated completion.

Attorney Don Hemke, representing the Colony Association, commented on the status of repairs.

**Commr. Larson moved to continue the public hearing to June 3, 2013, at 7:00 p.m., (in the Town Commission Chambers, 501 Bay Isles Road, Longboat Key). The motion was seconded by Commr. Gans.**

**Following comments, the motion carried by a 4-3 roll call vote, as follows: Larson, aye; Gans, aye; Brown, aye; Duncan, no; Zunz, no; Younger, aye; Brenner, no.**

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6. Resolution 2013-18, Declaring the Buildings and Structures of 1620 Gulf of Mexico Drive, Unit A (Restaurant) per Town Code Section 150.22(H) as a Public Nuisance
At the May 6, 2013, Regular Meeting the Town Commission discussed conditions at The Colony property and passed Resolution 2013-16, setting a public hearing date for May 20, 2013 to determine if the buildings and structures located on Outparcels and Unit A at 1620 Gulf of Mexico Drive are to be declared as a public nuisance, in accordance with Section 150.22, of the Town Code. Resolution 2013-18 provides for the abatement of the conditions outlined in Section 150.22(H) on Unit A. Recommended Action: Pending public hearing and discussion, pass Resolution 2013-18.

Town Manager Dave Bullock advised that the issues have been resolved and suggested that the item not be considered.

Upon inquiry, Attorney Hemke opined that the underlying land of Unit A is condominium land and is controlled by other entities.

**NEW BUSINESS**
7. Authorization to Execute Contract with Town Attorney
At the May 6, 2013, Regular Meeting, the Town Commission selected Attorney Maggie Mooney-Portale with the firm of Persson and Cohen, P.A., to serve as the Town Attorney and directed the Town Manager to draft a contract for Commission consideration at the May 20, 2013, Regular Workshop Meeting. The proposed Contract was forwarded from the May 20, 2013, Regular Workshop Meeting for formal action. Recommendation: Pending discussion, authorize execution of the contract between the Town and Attorney Mooney-Portale.

**Subsequent to comments on insurance limits, there was consensus to defer final action to the June 3, 2013, Regular Meeting.**

**ADJOURNMENT**
**Mayor Brown adjourned the May 20, 2013, Special Meeting at 7:00 p.m.**

_____ _____
Trish Granger, Town Clerk James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# SPECIAL WORKSHOP
# JUNE 3, 2013 – 9:30 A.M.

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Lynn Larson (arrived at 9:40 a. m.), Terry Gans, Phill Younger, Pat Zunz

**Also Present:** Deputy Town Clerk Jo Ann Mixon

**Call to Order**

**Mayor Brown called the Special Workshop to order at 9:30 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, FL.**

1. Meet and Greet with Citizens Interested in Serving on the General Employees' Retirement System Board of Trustees and/or the Code Enforcement Board

Each year the Town Commission considers appointments to the Town's Boards and Committees. This Special Workshop Meeting is being held to provide the opportunity for Town Commissioners to meet the applicants prior to making formal appointments at the June 3, 2013, Regular Meeting.

Following opening remarks by Mayor Brown, the following applicants provided background information on their credentials and identified an interest in an appointment to a Town Board:

General Employees' Retirement System Board of Trustees

Mr. Robert Branham
Mr. Kenneth Gorman
Mr. Thomas Jones
Ms. Lyn Haycock
Mr. Larry Linhart (not in attendance)
Mr. Anthony (Tony) Sapuppo
Mr. Steven Schield

Code Enforcement Board

Mr. Thomas Jones

Discussions were held on the following topics/issues:

- meeting availability
- Town Code modification and administration
- applicant's background
- Skype availability (for board members unable to attend a meeting)
- General Employees' Retirement System unfunded liability
- General Employees' Retirement System membership/retirees
- duties and responsibilities of the Board of Trustees.

Mayor Brown and the Commissioners thanked the participants, noted the excellent qualifications of all the applicants, and commended them for their willingness to volunteer and serve the Town. Applicants were advised appointments would be made at the June 3, 2013, Regular Meeting scheduled to begin at 7:00 p.m.

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**Adjournment**

**Mayor Brown adjourned the June 3, 2013, Special Workshop at 10:00 a.m.**

_____ _____

Jo Ann Mixon, Deputy Town Clerk James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# SPECIAL MEETING
# JUNE 3, 2013 – 10:30 A.M.

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Lynn Larson, Jack Duncan, Terry Gans, Phill Younger, Pat Zunz

**Also Present:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale, Deputy Town Clerk Jo Ann Mixon

**Call to Order**

**Mayor Brown called the Special Meeting to order at 10:30 a.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, FL.**

1. Urban Land Institute (ULI) – Proposed Contract and Draft Questions

At the February 19, 2013, Regular Workshop Meeting the Town Commission directed staff to proceed with contract negotiations with ULI. The Town Manager and Town Attorney developed a proposed contract and draft questions to be considered by the Commission at the June 3, 2013, Special Meeting.

Town Manger Dave Bullock provided a background of the events regarding the Urban Land Institute (ULI) proposed contract and draft questions.

Discussions were held on the following topics/issues:

- proposed questions (organization)
  (three categories density/land use/nonconforming with three questions each)
- determination of achieving expected results after the exercise (survey)
- future goals of the Town of Longboat Key
- density (moving from part time residents to full-time residents/related benefits)
- effectiveness of the proposed questions to obtain anticipated results
- Longboat Key Vision Plan (addressing core values established by the Town)
- population of the Town (full and part time)
- commercial/residential balance (retirees and working class balance)
- the need for several strategies to be identified (North end/South end/commercial)
- obtaining professional opinions (future realities for the Town)
- tourism versus residential balance (increase tourism and/or maintain)
- whether the proposed questions were leading
- establishing a Committee (Commissioner/Board Members/Residents).

Mr. Gene Jaleski, Cedar Street, commented on the development of Whitney Plaza, Sarasota-Bradenton International Airport, Vision Plan validation, retail market, existing Codes, and housing availability for young families.

Mr. Larry Grossman, St. Judes Drive North, commented on the proposed questions, tourism, commercial values, and removing the zoning aspect from the questions.

Additional discussions were held on the following topics/issues:

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1. Urban Land Institute (ULI) – Proposed Contract and Draft Questions – Continued

- establishment of a committee
- maintain balance within the Town (present and future)
- reviewing and revising the language of the proposed questions.

Town Manger Bullock advised on the development of the proposed questions and discussions were held on the following topics/issues:

- development of new questions
- market analysis to determine commercial needs
- ULI's experience in community development
- expected development (Colony/Longboat Key Club/Hilton Hotel)
- Vision Plan update (maintaining Core Values and evaluating assumptions)
- return questions to staff for input and development.

Town Manager Bullock advised the proposed questions would be revisited and available for final review with formal action taken at the June 17, 2013, Special Meeting.

Discussions were held regarding the formation of a Focus Group consisting of two Town Commissioners (Duncan/Zunz), two members from the Planning & Zoning (P&Z) Board, and two residents, and receiving input from the community. Subsequent to discussion, Mayor Brown was requested to contact the following members to determine their interest in serving as a Focus Group member:

- Mr. Larry Grossman (resident)
- Mr. Tom Freiwald (resident)
- P&Z Board Chair B.J. Webb (for possible participants from the P&Z Board).

Subsequent to comments on the dates available for Focus Group meetings, Town Clerk Trish Granger advised that the Code Enforcement Board was scheduled for 10:00 a.m. on June 10, 2013, and noted the Chamber would not be available until after 12:00 p.m. (noon) on that date.

**Upon inquiry, there was consensus to schedule a Focus Group meeting at 1:00 p.m. on June 10, 2013, in the Town Commission Chamber.**

**Adjournment**
**Mayor Brown adjourned the June 3, 2013, Special Meeting at 11:55 a.m.**

Jo Ann Mixon, Deputy Town Clerk

James L. Brown, Mayor

Minutes Approved: _____

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# MINUTES
# LONGBOAT KEY TOWN COMMISSION
# REGULAR MEETING
# JUNE 3, 2013 - 7:00 P.M.

**Present:** Mayor Jim Brown, Vice Mayor David Brenner, Commrs. Jack Duncan, Terry Gans, Lynn Larson, Phill Younger, Pat Zunz

**Also: Present:** Town Manager Dave Bullock, Town Attorney Maggie Mooney-Portale
Town Clerk Trish Granger

## CALL TO ORDER AND PLEDGE OF ALLEGIANCE

**Mayor Brown called the meeting to order at 7:00 p.m. in the Town Commission Chamber, 501 Bay Isles Road, Longboat Key, Florida and Commr. Gans led the Pledge of Allegiance.**

## PROCLAMATIONS AND SPECIAL PRESENTATIONS

1. Proclamation: Flood and Hurricane Awareness Month, June 2013

Vice Mayor Brenner read and presented the proclamation declaring June 2013 as Flood and Hurricane Awareness Month to Fire Chief Paul Dezzi. Fire Chief Dezzi noted the importance of personal preparedness and Staff's efforts to consistently review and improve processes for the protection of the Community.

**PUBLIC TO BE HEARD** - No items were presented.

2. Opportunity for Public to Address Town Commission

A. Public Works

Ms. Rose Quin-Bare, representing Waste Management, Inc., noted a recent award achieved by Waste Management, commented on the safety training accomplished for Waste Management employees, and the number of pick-ups accomplished on Longboat Key over the course of a year.

## COMMITTEE REPORTS AND COMMUNICATIONS

A. Elections

Vice Mayor Brenner noted a round-table discussion at the Holmes Beach Town Hall regarding the Special Election being held by Manatee County on June 18, 2013 and encouraged voter participation.

## CONSENT AGENDA

3. Cancellation of July and August Workshop Meetings and August Regular Meeting

As provided for in Article II, Section 13 of the Town Charter, the Town Commission will consider the possible cancellation of the July and August Workshops and the August Regular Meeting. This item was forwarded from the May 20, 2013 Regular Workshop Consent Agenda for formal action. Recommended Action: Approval of the Consent Agenda will cancel the July and August Workshop Meetings and the August Regular Meeting.

**There was consensus to approve the consent agenda as submitted.**

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**ORDINANCES - FIRST READING AND PUBLIC HEARING**

4. Ordinance 2013-10, Amending Chapter 158.145, Schedule of Lot, Yard and Bulk Regulations

At their May 21, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Ordinance 2013-10, providing for policy changes to the Future Land Use Element's Policies 1.1.10, 1.1.11 and Table 1 regarding allowance of an additional story and 15 feet of additional building height for the site plan proposals utilizing tourism units, as allowed in Section 158.180. The Ordinance was forwarded to the June 3, 2013 Regular Meeting for Commission consideration. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2013-10 to the June 17, 2013 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-10 on record for first reading and public hearing by title only.

**Commr. Duncan moved to pass Ordinance 2013-10. The motion was seconded by Commr. Younger.**

**Mayor Brown opened the public hearing.**

Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on Ordinance 2013-10. Discussions were held on the total height of additional story and height (fifteen feet) to be permitted through the site plan approval process.

Mr. Gene Jaleski, Cedar Street, commented on Ordinance 2013-10.

**As no others wished to speak, Mayor Brown closed the public hearing.**

**The motion carried by a 7-0 roll call vote, as follows: Duncan, aye; Younger, aye; Gans, aye; Larson, aye; Zunz, aye; Brenner, aye; Brown, aye.**

5. Ordinance 2013-19, Amending the Town of Longboat Key Comprehensive Plan

Ordinance 2013-19 provides for adoption of amendments to Comprehensive Plan Policies 1.1.10, 1.1.11, and Table 1 of the Future Land Use Element, to allow an additional story of height through the final site plan approval process for TRC-6 properties that are granted additional tourism units through Section 158.180 of the Land Development Code; and amending related Section IV.D. of the Supplemental Data and Analysis for the future land use element. Recommended Action: Pending first reading, public hearing and discussion, forward Ordinance 2013-19 to the June 17, 2013 Special Meeting for second reading and public hearing.

Town Clerk Trish Granger placed Ordinance 2013-19 on record for first reading and public hearing by title only.

**Commr. Gans moved to pass Ordinance 2013-19. The motion was seconded by Commr. Duncan.**

Minutes in draft form and are not official until approved by the Town Commission.

5. Ordinance 2013-19, Amending the Comprehensive Plan - Continued
Following comments by Town Manager Dave Bullock, Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on Ordinance 2013-19.

**Mayor Brown opened the public hearing.**

Mr. Larry Grossman, St. Judes Drive North, commented on the Site Plan approval process and the ability to grant additional height to an applicant through the process.

Mr. Meyer noted that the Site Plan is approved by the Town Commission who would have the ability to deny the additional height requested in accordance with existing regulations.

**As no others wished to speak, Mayor Brown closed the public hearing.**

**The motion carried by a 7-0 roll call vote, as follows: Gans, aye; Duncan, aye; Zunz, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.**

## ORDINANCES - SECOND READING AND PUBLIC HEARING

6. Ordinance 2013-14, Amending Chapter 34, Section 34.75, Composition of General Employees' Retirement System Board of Trustees
Ordinance 2013-14 provides for a change to the composition of the current General Employees' Retirement System Board of Trustees. The Commission held first reading of this Ordinance and considered the proposed membership and structure of the Board of Trustees at the May 20, 2013 Special Meeting. The Ordinance was forwarded to the June 3, 2013 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing and discussion, adopt Ordinance 2013-14.

Town Clerk Trish Granger placed Ordinance 2013-14 on record for first reading and public hearing by title only.

**Commr. Zunz moved to adopt Ordinance 2013-14. The motion was seconded by Commr. Younger.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

**The motion carried by a 7-0 roll call vote, as follows: Zunz, aye; Younger, aye; Brenner, aye; Larson, aye; Gans, aye; Duncan, aye; Brown, aye.**

## RESOLUTIONS AND PUBLIC HEARINGS

7. Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications
At their April 16, 2013 Regular Meeting the Planning & Zoning (P&Z) Board recommended approval of Resolution 2013-09 as written. The Resolution authorizes transmittal of proposed Comprehensive Plan amendments to the Future Land Use Element policies 1.1.10 and 1.6.4 regarding personal wireless facilities. At their May 20, 2013 Regular Workshop Meeting the Commission held discussion on this item and forwarded it to the June 3, 2013 Regular Meeting for formal action. Recommended Action: Pending discussion, pass Resolution 2013-09.

Minutes in draft form and are not official until approved by the Town Commission.

7. Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications - Continued
Town Clerk Trish Granger placed Resolution 2013-09 on record by title only.

**Vice Mayor Brenner moved to pass Resolution 2013-19. The motion was seconded by Commr. Gans.**

**Mayor Brown opened the public hearing.**

Town Manager Dave Bullock commented on the review process required by the State of Florida, advising that Resolution 2013-09 is in the transmittal process and following response from the State, a minimum of three public hearings will be scheduled prior to any formal action for adoption.

Planning, Zoning, and Building Department Director Robin Meyer gave a PowerPoint presentation on the proposed amendments to the Comprehensive Plan.

Discussions were held with Town Manager Bullock, Mr. Meyer, and Town Attorney Maggie Mooney-Portale on the following topics/issues:

- purpose of Ordinance to amend the Comprehensive Plan
- existing regulations relating to maximum height limitations of a tower
- time lines to process an telecommunications tower application/lack of ability to ban
- inclusion of reference to "providers/carriers" versus builders
- redundancy of terminology by inclusion of reference to complying with existing laws
- language in State law relating to the prohibition/banning of telecommunication towers
- ability to regulate telecommunication towers (aesthetics, height, fall zone, etc.)
- intent to improve telecommunication services throughout the Town
- regulatory provisions upheld in other communities relating to height restrictions imposed
- lack of clarity on issues raised
- direction given to Town Manager on working with providers on options to resolve communications issues/advancements in technology achieved
- option to delay transmittal to ensure all applicable information on communications issues to be addressed
- process/timeframe for submitting Comprehensive Plan Amendments
- Policy Statements outlined in the Comprehensive Plan supported by regulations in the Town Code
- impact on applications submitted as they would apply to current regulations

Mr. Jeremy Whatmough, Gulf of Mexico Drive, commented on Resolution 2013-09.

Town Attorney Mooney-Portale and Mr. Meyer commented on previous Commission consideration and direction on the issues raised relating to the proposed Comprehensive Plan Amendment under consideration.

Commr. Duncan noted previous legal opinions relating to telecommunications issues (memorandum from Assistant Town Attorney Kelly Fernandez), the lack of provisions allowing a builder to challenge existing regulations, and participation in a webinar relating to challenges of regulating telecommunication towers.

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7. Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications - Continued

Subsequent to discussion on the intent of forwarding the proposed Comprehensive Plan Amendment, the following individuals commented on Resolution 2013-09. Discussions were held throughout speaker comments:

Mr. Gene Jaleski
Ms. June McGroary

Discussion ensued on the results of the TE Connectivity study related to reception issues while traveling on Longboat Key. Discussions were held throughout speaker comments:

Attorney Charlie Bailey
Attorney Michael Furen
Mr. Larry Grossman

**As no others wished to be heard, Mayor Brown closed the public hearing.**

**RECESS:** 8:40 p.m. - 8:50 p.m.

Discussions were held on the following topics/issues:

- lack of response from carriers on resolving coverage issues
- issues to be considered prior to adopting Code changes
- height considerations for telecommunication towers
- options to postpone and coordinate Comprehensive Plan amendments with Code amendments
- health and safety issues relating to poor or sporadic coverage.

**Following comments on Section 3, Future Land Use Element, Commr. Duncan moved to amend Resolution 2013-09, Policy 1.6.4, deleting all language with the exception of the following sentence:**

~~Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law.~~ Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors. ~~In addition Federal and State law place restrictions upon the Town's authority to regulate personal wireless service facilities. As a result when the Town is presented with a demonstrated need for modified or additional personal wireless service facilities, the Town will work to balance that need with the Town's need to protect the unique character and aesthetics of the Town through the minimization of visual intrusiveness and other impacts. The Town will utilize the land development regulations to evaluate applications for personal wireless service facilities based on, at a minimum, heights, surrounding land use compatibility, aesthetics, and safety. The land development regulations shall reflect a hierarchy of preferred options for personal wires service facilities within the Town, with utilization or expansion of existing facilities being the preferred option and with towers being the least preferred option.~~

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7. Resolution 2013-09, Comprehensive Plan Amendment, Future Land Use Element, Telecommunications - Continued
**The motion was seconded by Commr. Larson.**

Upon inquiry, Town Attorney Mooney-Portale advised that she will consult with Attorney Kelly Fernandez to determine the intent of the language included in Section 3, Policy 1.6.4.

Vice Mayor Brenner requested consideration to reinstate the current policy language and incorporate the addition to the proposed language proffered by Commr. Duncan, as follows:

> Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law. Advancements in technology have made personal wireless service valuable to Longboat Key residents and visitors.

**Commrs. Duncan and Larson noted agreement to incorporate the language noted as Policy 1.6.4. in the motion.**

**The motion to amend Resolution 2013-09 carried by a 7-0 roll call vote, as follows: Duncan, aye; Larson, aye; Younger, aye; Zunz, aye; Gans, aye; Brenner, aye; Brown, aye.**

**The motion to pass Resolution 2013-09, as amended, carried by a 7-0 roll call vote, as follows: Brenner, aye; Gans, aye; Younger, aye; Duncan, aye; Brown, aye; Zunz, aye; Larson, aye.**

8. Resolution 2013-17, Declaring the Buildings and Structures of 1620 Gulf of Mexico Drive, Outparcel B (Maintenance Area) per Town Code Section 150.22(H) Are No Longer A Public Nuisance
At the May 6, 2013, Regular Meeting the Town Commission discussed conditions at The Colony property and passed Resolution 2013-16, setting a public hearing date for May 20, 2013 to determine if the buildings and structures located on Outparcel B and Unit A at 1620 Gulf of Mexico Drive are to be declared as a public nuisance, in accordance with Section 150.22, of the Town Code. The Commission continued the public hearing to the June 3, 2013 Regular Meeting. Recommended Action: Pending public hearing and discussion, pass Resolution 2013-17.

Following comments by Town Manager Dave Bullock, Assistant Town Manager Anne Ross gave a PowerPoint presentation relating to conditions outlined in Resolution 2013-17, reviewing previous deficiencies and corrective measures achieved.

Town Manager Bullock advised that this was a continued public hearing from the May 6, 2013, Regular Meeting.

Town Clerk Trish Granger placed Resolution 2013-17 on record by title only.



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8. Resolution 2013-17, Declaring the Buildings and Structures of 1620 Gulf of Mexico Drive, Outparcel B (Maintenance Area) per Town Code Section 150.22(H) Are No Longer A Public Nuisance - Continued

**Commr. Gans moved to pass Resolution 2013-17. The motion was seconded by Commr. Zunz.**

**Mayor Brown opened the public hearing. As no one wished to be heard, the public hearing was closed.**

**The motion carried by a 7-0 roll call vote, as follows: Gans, aye; Zunz, aye; Duncan, aye; Brown, aye; Brenner, aye; Larson, aye; Younger, aye.**

Town Manager Bullock advised that the remainder of the buildings have been reviewed, estimates have been obtained to secure buildings, and the work will be paid for by the bond. Assistant Town Manager Ross provided an overview of the process for the Association to request abatement of the work/charges assessed.

Discussion ensued on the timeframe for securing the property due to the start of hurricane season.

**RESOLUTION**

9. Resolution 2013-19, Rescinding Resolution 2013-12, Mar Vista Site Plan Amendment

At the May 6, 2013 Regular Meeting the Town Commission held a public hearing on Resolution 2013-12 and granted a site plan amendment for Mar Vista Restaurant. Due to procedural abnormalities and based upon a request from the applicant, the Commission will consider rescinding Resolution 2013-12 and remanding the issue to the Planning & Zoning (P&Z) Board. Recommended Action: Pending discussion, pass Resolution 2013-19 and remand Mar Vista Site Plan Amendment to P&Z Board.

Town Clerk Trish Granger placed Resolution 2013-19 on record by title only.

**Commr. Larson moved to pass Resolution 2013-19. The motion was seconded by Commr. Duncan.**

**Commr. Zunz requested an amendment to the third "Whereas" clause substituting the word "consideration" for the word "reconsideration." There was consensus to incorporate the wording modification.**

Mr. Ed Chiles, Owner of Mar Vista Restaurant, noted the misinformation that was reported to and in the local newspapers and advised of the intention to utilize the Jordan house for "reception" types of events.

The following individuals commented on Resolution 2013-19:

Mr. Larry Grossman
Mr. Samir Ragheb
Mr. Gene Jaleski
Ms. Corinne Ragheb

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9. Resolution 2013-19, Rescinding Resolution 2013-12, Mar Vista Site Plan Amendment - Continued

Upon inquiry, Mr. Chiles advised that he would be submitting a new Site Plan application for consideration.

**The motion to pass Resolution 2013-19, as amended, carried by a 7-0 roll call vote, as follows: Larson, aye; Duncan, aye; Zunz, aye; Gans, aye; Younger, aye; Brenner, aye; Brown, aye.**

**NEW BUSINESS**

10. Appointments to General Employees' Retirement System Board of Trustees and Code Enforcement Board

Ordinance 2013-14 provides for a change in the composition of General Employees' Retirement System Board of Trustees. The Commission will consider appointment of 5 members, which includes the Chair and Vice-Chair at the June 3, 2013 Regular Meeting. The Town Manager will appoint the remaining two members. Additionally, one opening currently exists on the Code Enforcement Board, one applicant has indicated interest in serving on the Code Enforcement Board or General Employees' Retirement System Board of Trustees. Recommended Action: Pending discussion, appoint members to General Employees' Retirement System Board of Trustees and/or Code Enforcement Board.

Following comments by Mayor Brown on the procedure for appointments, Town Clerk Trish Granger proceeded with a roll call vote, for Seat 1, Chair, as follows:

**Commr. Younger cast a ballot for Mr. Steve Branham.**
**Commr. Larson cast a ballot for Mr. Steve Branham.**
**Vice Mayor Brenner cast a ballot for Mr. Louis Levy.**
**Mayor Brown cast a ballot for Mr. Steve Branham.**
**Commr. Duncan cast a ballot for Mr. Kenneth Gorman.**
**Commr. Zunz cast a ballot for Mr. Louis Levy.**
**Commr. Gans cast a ballot for Mr. Steve Branham.**

**Mr. Steve Branham was appointed to Seat 1 and to serve as Chair for a term to expire on May 14, 2014.**

Town Clerk Granger proceeded with a roll call vote, for Seat 2, Vice Chair, as follows:

**Commr. Larson cast a ballot for Mr. Louis Levy.**
**Vice Mayor Brenner cast a ballot for Mr. Louis Levy.**
**Mayor Brown cast a ballot for Mr. Louis Levy.**
**Commr. Duncan cast a ballot for Mr. Kenneth Gorman.**
**Commr. Zunz cast a ballot for Mr. Louis Levy.**
**Commr. Gans cast a ballot for Mr. Louis Levy.**
**Commr. Younger cast a ballot for Mr. Louis Levy.**

**Mr. Louis Levy was appointed to Seat 2 and to serve as Vice Chair for a term to expire on May 14, 2014.**

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10. Appointments to General Employees' Retirement System Board of Trustees and Code Enforcement Board - Continued

Town Clerk Granger proceeded with a roll call vote, for Seat 3, as follows:

**Vice Mayor Brenner cast a ballot for Ms. Lyn Haycock.**
**Mayor Brown cast a ballot for Ms. Lyn Haycock.**
**Commr. Duncan cast a ballot for Mr. Kenneth Gorman.**
**Commr. Zunz cast a ballot for Mr. Kenneth Gorman.**
**Commr. Gans cast a ballot for Ms. Lyn Haycock.**
**Commr. Younger cast a ballot for Mr. Kenneth Gorman.**
**Commr. Larson cast a ballot for Mr. Kenneth Gorman.**

**Mr. Kenneth Gorman was appointed to Seat 3 to serve a term to expire on May 14, 2014.**

Town Clerk Granger proceeded with a roll call vote, for Seat 4, as follows:

**Mayor Brown cast a ballot for Ms. Lyn Haycock.**
**Commr. Duncan cast a ballot for Ms. Lyn Haycock.**
**Commr. Zunz cast a ballot for Ms. Lyn Haycock.**
**Commr. Gans cast a ballot for Ms. Lyn Haycock.**
**Commr. Younger cast a ballot for Mr. Larry Linhart.**
**Commr. Larson cast a ballot for Ms. Lyn Haycock.**
**Vice Mayor Brenner cast a ballot for Ms. Lyn Haycock.**

**Ms. Lynn Haycock was appointed to Seat 4 to serve a term to expire on May 14, 2014.**

Town Clerk Granger proceeded with a roll call vote, for Seat 5, as follows:

**Commr. Duncan cast a ballot for Mr. Larry Linhart.**
**Commr. Zunz cast a ballot for Mr. Larry Linhart.**
**Commr. Gans cast a ballot for Mr. Tony Sapuppo.**
**Commr. Younger cast a ballot for Mr. Larry Linhart.**
**Commr. Larson cast a ballot for Mr. Larry Linhart.**
**Vice Mayor Brenner cast a ballot for Mr. Larry Linhart.**
**Mayor Brown cast a ballot for Mr. Larry Linhart.**

**Mr. Larry Linhart was appointed to Seat 5 to serve a term to expire on May 14, 2014.**

Town Clerk Granger noted that there was one applicant for Seat 2, on the Code Enforcement Board, with a term to expire on May 11, 2016.

**Mayor Brown noted that Mr. Thomas Jones was appointed by acclaim to fill the vacancy on the Code Enforcement Board.**

Town Clerk Granger advised that the appointed individuals would be formally notified.

11. Authorization to Execute Contract with Town Attorney

At the May 6, 2013, Regular Meeting, the Town Commission selected Attorney Maggie Mooney-Portale with the firm of Persson and Cohen, P.A., to serve as the Town Attorney and directed the Town Manager to draft a contract for Commission consideration at the May 20, 2013, Regular Workshop Meeting. The contract was forwarded to the June 3, 2013,

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11. Authorization to Execute Contract with Town Attorney - Continued
Regular Meeting for formal action. Recommendation: Pending discussion, authorize execution of the contract between the Town and Attorney Mooney-Portale.

Town Manager Dave Bullock noted that two additional provisions were added, Section 8, Conflict of Interest, and an expiration date of June 1, 2019. Town Manager Bullock advised that at the May 20, 2013, Regular Workshop, the Commission discussed the option to increase the insurance coverage and advised that comparisons of other governmental entities was accomplished that reflected similar insurance coverages to the Town's provisions.

**Vice Mayor Brenner moved to authorize the execution of the Contract with Attorney Maggie Mooney-Portale. The motion was seconded by Commr. Duncan.**

Upon inquiry, Attorney Maggie Mooney-Portale advised that there would be a significant cost increase for additional coverage and that the amount included in the proposal reflected the requirements in the Request for Proposal (RFP) and noted a cost comparison was accomplished with similar results noted by Town Manager Bullock.

Discussion ensued with Town Manager Bullock and Attorney Mooney-Portale on the following topics/issues:

- protections offered to Town with the coverage provided
- statutory limitations on awards for claims
- coverage allowing for defense of claims against the Attorney
- Procurement Code and competitive bid process
- termination clause
- acceptance of current insurance requirements.

**The motion carried by a 7-0 vote, as follows: Brenner, aye; Duncan, aye; Zunz, aye; Younger, aye; Larson, aye; Brown, aye; Gans, aye.**

12. Beach Nourishment Project Bid and Recommendation of Award Options
The Town Manager will discuss the recently received bid for the Town's Beach Nourishment Project. Staff will present options for moving forward and seek Commission direction. Recommended Action: Pending discussion, provide direction to Manager.

Town Manager Dave Bullock reviewed the bid responses and circumstances surrounding the lack of responses relating to major damage in coastal areas in the Maryland/Delaware area due to Hurricane Sandy. Town Manager Bullock requested authorization to reject the bid and combine funds received from Tropical Storm Debby with the proposed nourishment project.

**There was consensus to reject the bid received and to reissue at a later date.**

Discussion ensued on options to coordinate with other governmental agencies to share mobilization costs. Subsequent to discussion, Town Manager Bullock advised that he would place the issue on the June 17, 2013, Regular Workshop Meeting agenda.

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## TOWN COMMISSION COMMENTS

A. Town Clerk/Human Resources Division
Vice Mayor Brenner noted attendance at the Health Fair on May 23, 2013, and commended Human Resources Manager Lisa Silvertooth and Town Clerk Trish Granger on the coordination of the Health Fair and inclusion of local businesses to provide services to the employees.

B. Planning, Zoning, and Building
Commr. Gans noted he had not yet received any information relating to the proposed developer of the Colony and Town Manager Dave Bullock advised that no information has been received.

**Following comments, there was consensus to draft correspondence for the Mayor's signature requesting the information that was proffered.**

**TOWN ATTORNEY COMMENTS** - No items were presented.

## TOWN MANAGER COMMENTS

A. Finance
Town Manager Dave Bullock noted that the Preliminary Budget had been delivered, commended Budget Analyst Sandi Henley for her efforts in coordinating and preparing the budget document, and introduced recently hired Finance Director Sue Smith.

B. Public Works
**Town Manager Dave Bullock noted the status of compiling information on the dog beach issue and following comments, there was consensus to remove the issue from future consideration.**

C. Legislation
Town Manager Dave Bullock commented on House Bill 537 pertaining to municipal referendum processes, noted that Town Attorney Maggie Mooney-Portale had drafted correspondence which was forwarded to the Governor requesting a veto on the bill, and advised that both Sarasota and Manatee County Commissions had been contacted regarding support of the Town's requested veto.

Mayor Brown suggested that Town Manager Bullock contact Representative Jim Boyd's office for their assistance with the issue.

## PRESS TO BE HEARD

A. Planning, Zoning, and Building
Mr. Steve Reid, Longboat Key News, inquired as to the impact of the Comprehensive Plan amendment on area Zoning Code regulations relating to telecommunications.

## ADJOURNMENT

**Mayor Brown adjourned the June 3, 2013, Regular Meeting at 10:24 p.m.**

_____ _____
Trish Granger, Town Clerk James L. Brown, Mayor

Minutes Approved: _____

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**End of Agenda Item**